THE NATION

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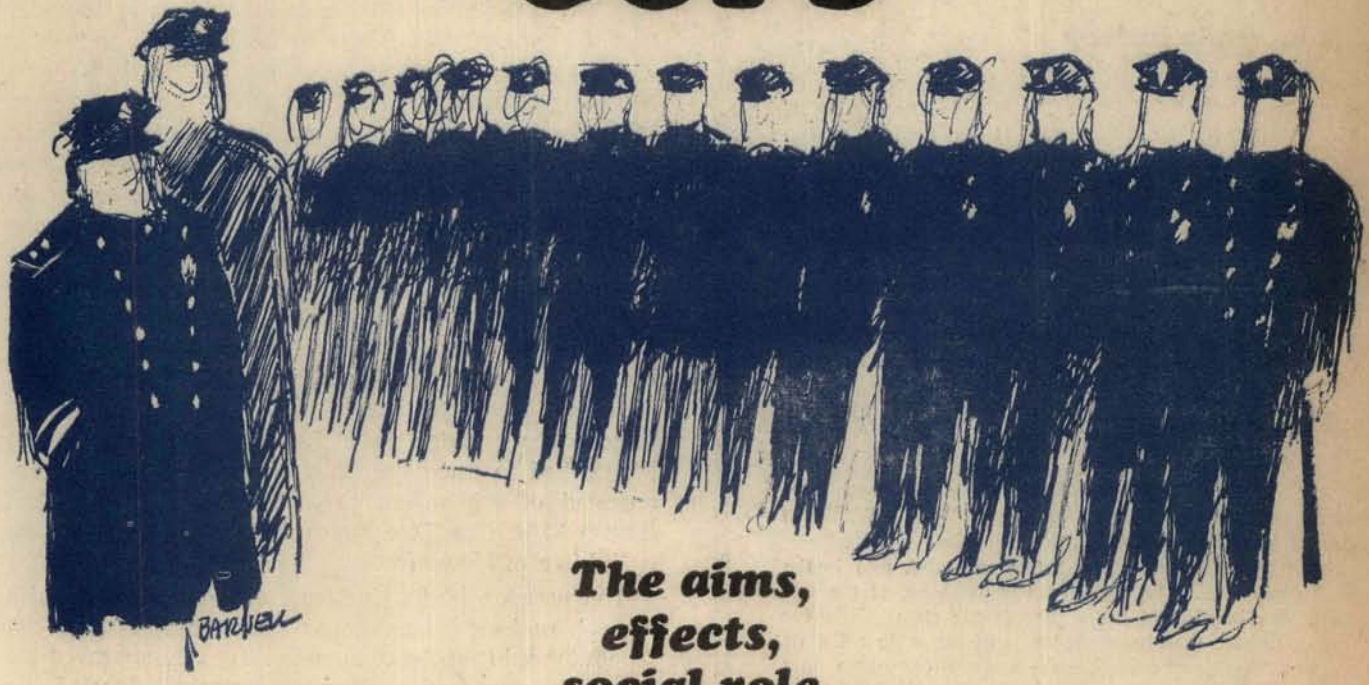

The aims, effects, social role and self-image of America's only fully armed minority. Nine inquiries into the institutions, traditions and practices of the contemporary police force.

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LETTERS

"easy money"

Washington, D.C.

DEAR SIRS: Although I was happy to see Jennifer Cross's "Groceries, Gas and Games" [*The Nation*, Mar. 24], I must disagree with her conclusion that "it is difficult to see what can be done about these deep-rooted competitive and psychological pressures."

To me the simple answer is that gasoline and food retailing through games of chance should be held illegal under lottery laws already passed by most states and Congress. These sales promotion games contain the same opportunities for rigging and the same illusory appeal of "easy money" which led to decisions years ago to outlaw lotteries. As Rep. Benjamin Rosenthal of New York testified before the FTC, the games are "inherently deceptive."

My own bill introduced in the House of Representatives on Feb. 27 would make gasoline games an unfair method of competition (and illegal) under the FTC Act, unless the customer was offered as a cash alternative to playing the game the retail cost per gallon of the game, but in no case less than 1c per gallon. This would end the you-pay-while-I-play arrangement which now exists at most stations, and would ultimately make the games so unprofitable that gas companies would be forced to drop them. . . .

Rep. Abner J. Mikva, 2nd District, Ill.

Nixon reads history

Bryn Mawr, Pa.

DEAR SIRS: *Nation* readers . . . should note one overlooked portion of Nixon's March 14 ABM press conference. When asked whether he believed the Russians might react to his ABM decision by increasing their own offensive missile force as a counterweight, the President replied that he didn't think so because, among other reasons, there is "an interesting thing about Soviet military and diplomatic history: They have always thought in defensive terms and if you read their—not only their political leaders but their military leaders—the emphasis is on defense."

Richard B. Du Boff

brutal treatment

Flushing, N.Y.

DEAR SIRS: May I add a significant incident in the history of . . . "New Hampshire's *Union Leader*," which W. David Gardner so effectively exposed in your Mar. 31 issue?

That paper played a prominent, if not total, role in the prosecution of . . . Dr. Willard Uphaus, who, at the age of 70, was imprisoned for a year in the state prison for refusing to give the attorney general of the state a list of the guests in his charming, informal summer camp that admits people of all creeds and faiths. The *Union Leader* gave Dr. Uphaus the usual brutal, bigoted treatment in issue after issue, and aroused its readers to commit acts of sabotage and to harass the guests. . . . His World Fellowship community at Conway, N.H. is still functioning, and is worth a visit, if not an extended stay.

Leonard Boyer

good issue

Waltham, Mass.

DEAR SIRS: I picked up a copy of your Mar. 17 issue mainly, I confess, because of the review of Céline's *Castle to Castle* by Frederic Morton. I found the review worth reading and containing a revealing insight into its subject. But I also found some unexpected bonuses in the issue,

(Continued on Page 509)

EDITORIALS

The San Francisco Paradox

Why is it that San Francisco—proud, free and civilized, a city that gave Governor Brown a 65,000 vote margin while Reagan was carrying the state by a million votes—should be falling sharply behind other California cities in the improvement of police-community relations? Recently Mayor Joseph L. Alioto was forced to concede that San Francisco was simply not making the advances that Oakland and Los Angeles (which may this year elect its first Negro mayor) are making in diminishing "internal bitterness." Such an admission, from a mayor of San Francisco, amounts to compound humiliation.

Yet the supporting facts are clear and painful. Recently an all-white jury, in a trial that reeked of racism, acquitted a white patrolman of the off-duty slaying of a Negro truck driver. The acquittal was a slap in the face to the Negro community. More recently, a young Negro, riding in a stolen car, was chased by police for some 31 blocks at 75 miles an hour until the car crashed near the driver's home. The police had given chase because they were looking for suspects in the robbery and murder of a Chinese grocer. After the car crashed, the young Negro ran into a record shop where he was well known and was standing there, with his elbows on the counter, talking with the proprietor when he was shot and killed by the police firing from outside the shop. The car had been stolen earlier in the day, but it was not the car involved in the murder of the grocer, nor was the young Negro involved in that crime. He had gone joyriding in a stolen car—and paid with his life for the mischief.

Three captains of police have been assigned to investigate, but their findings, whatever they may be, are not likely to offset the damaging impact of the incident. At almost the same time, a similar board composed of three police captains, in a 527-page report which the Mayor had to force the Chief of Police to release, exonerated of misconduct two police officers who had thrown MACE at three Negro women as they sat handcuffed in a paddy wagon.

The paradox is that incidents of this kind, of which there have been all too many of recent years, do *not* reflect the spirit of the community. The city approved the admirable community relations program directed by Lieut. Dante Andreotti (see article p. 503 this issue). The acclaim this program won resulted in the election of Chief of Police Thomas Cahill to the sixth vice presidency of the International Association of Chiefs of Police, the first of the "chairs" on the automatic escalator that leads to the presidency, an office he now holds.

It was the force itself, not the city, which turned against the community relations unit. Now the force and the community relations unit are sharply divided. Black and white officers are in open conflict, notably over the handling of those arrested. On occasion they have engaged in fist fights in the streets; in a few shocking instances guns have been drawn. Each group belongs to a separate police or-

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ganization. The black force is small, the white force large and potent. It is closely allied with the Teamsters, with the building trades unions, with certain business interests. Although alerted to the possibility of trouble, a small police detail looked the other way when a well organized group of white "hoodlums," wearing arm bands, broke up a recent public meeting of the Board of Education called to consider a school bussing proposal which the Teamsters strongly opposed.

There are limits to what the police can achieve on their own, but they can mobilize powerful support in the community when they need it. At the moment, Mayor Alioto, a humane and enlightened official, appears to be the prisoner of the police, or at the very least to be so boxed in by them that he does not have full freedom of action. That such a situation should exist in San Francisco, of all cities, merely underscores its gravity. For despite the fact that it has witnessed its share of violence down through the years, San Francisco has always abhorred the mean, the petty and the base. Either out of a sense of pride, or if need be prompted only by its traditional scorn of Oakland and Los Angeles, it should put a stop to the internal bitterness that divides the police and now threatens to divide the city. San Francisco is not a hick town. It is not bossed by Richard Daley. It can and should do better.

Town on Trial

Another California tragedy with racial overtones might be said, with some stretch of irony, to have taken a happy turn. Readers may recall "No Ordinary Black Man" by Martin Smith (*The Nation*, October 28). It was an account of violence in a Stockton liquor store in which Ted Watkins, a professional football player with the Hamilton Tiger-Cats in Canada, was killed by the store manager; and Clifford Watkins, his brother and a communicable diseases expert with the U.S. Public Health Service, was severely wounded by a clerk. The store personnel alleged that they were defending themselves against a robbery, a statement whose plausibility was questioned by Mr. Smith both because the brothers had no need to pick up small amounts of cash by such desperate means and because they would scarcely have chosen for the deed a store which Ted Watkins had frequented when he lived in the area. It was also pointed out that the store manager, Fred E. Larsen, has a reputation for making racial slurs and that Ted Watkins, a man of uncertain temper, was a militant black.

Nevertheless, Clifford Watkins was indicted for attempted robbery and his trial was completed on April 1. The all-white jury found him not guilty, a verdict which evoked cheers in the courtroom and moved Judge Maxwell Willens to congratulate the six men and six women for "an excellent job," with which he said "the court agrees." One juror, alluding to the racial overtones in the case, said he felt that "the town of Stockton was on trial." He added that if Ted Watkins had been in the dock, he would have voted also for his acquittal.

But Ted Watkins is dead and Fred Larsen killed him;

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it would seem then that, although the jury did its job well, Stockton has no right to call the case closed. The district attorney's office plans no action against Larsen, but Clifford Watkins is instituting a suit against the personnel of the liquor store, as is Ted Watkins' widow. Justice got off to a good start in the Watkins case; we hope to be able to report that it held to the end.

The Twenty-One

Last year a Hollywood-Beverly Hills group called Another Mother for Peace raised $14,000 and gave $1,000 each toward the campaign funds of "peace candidates" seeking election or re-election. But the money continued to flow in and $7,000 accumulated. The group then sent out $95 checks with a form letter to thirty-three House members who on June 11, 1968, had voted against the military appropriations act of that year. This was a catch-all piece of legislation which all sorts of legislators opposed for all sorts of reasons. For instance, the opponents included Reps. H. R. Gross of Iowa and Robert H. Michel of Illinois. Apparently these two returned the $95 checks with indignant letters informing Another Mother for Peace that Congress was not for sale.

The difficulty that confronted this worthy organization is easily discernible. Relying on the 1968 vote, they picked up the names of some members of the House who were not for peace at all. The point is that there is urgent need for some kind of general staff headquarters in Washington that would feed out lists of those who voted for and those who voted against key military appropriations measures, so that anyone interested could take appropriate action. For instance, for the upcoming vote on the ABM, individual citizens and organizations should have reliable data on the divisions shaping up in both House and Senate.

In this spirit we list the names of the twenty-one Representatives who voted "no" on the 1969 military appropriations measure—not that they need to be rewarded but that they should be honored. It reads as follows:

Bingham (D., N.Y.)	Kastenmeier (D., Wis.)
Brown (D., Calif.)	Koch (D., N.Y.)
Burton (D., Calif.)	Lowenstein (D., N.Y.)
Chisholm (D., N.Y.)	Mikva (D., Ill.)
Clay (D., Mo.)	Mosher (R., Ohio)
Farbstein (D., N.Y.)	Nix (D., Pa.)
Fraser (D., Minn.)	Podell (D., N.Y.)
Gilbert (D., N.Y.)	Rosenthal (D., N.Y.)
Hawkins (D., Calif.)	Roybal (D., Calif.)
Helstoski (D., N.J.)	Ryan (D., N.Y.)
Stokes (D., Ohio)	

All except one, Charles A. Mosher of Ohio, are Democrats. The group includes three Negro freshmen Representatives—Chisholm, Clay and Stokes—and Hawkins, also a Negro but not a freshman.

The picture this year was not confused, as in 1968, and these twenty-one all voted "no" for the right reasons. Nor were they intimidated by the hoary argument that they were "letting our boys down." On that argument the war could last forever. The truth is that a vote against an appropriations bill of this type, even if it resulted in its defeat, would have no effect for, say, a year. The ammunition and the weapons would continue to flow. It is no more than a way of discouraging escalation and, given the present state of U.S. politics, it is about the only way.

We hope that, pending a full-fledged centralized effort, organizations like SANE and ADA will be getting out such lists on ABM and similar issues.

Ravaging Vietnam

Out of its far from affluent treasury, the Society for Social Responsibility in Science financed a two-week tour of South Vietnam by E. W. Pfeiffer, professor of zoology at the University of Montana, and G. H. Orians, occupying the same position at the University of Washington. The mission was to investigate the highly controversial subject of the effects of defoliation by the U.S. military. Dr. Pfeiffer, a noted ecologist, reported on the results at a press conference in New York on April 3.

The SSRS investigators received excellent cooperation from the U.S. Army, Air Force and Navy and were able to make extensive observations by boat, aircraft and land vehicles. They concluded that the defoliation program was militarily justified, i.e., that it had facilitated U.S. operations and saved American lives. Though the ultimate effects on the economy and ecology of this small, poor country cannot be scientifically gauged at this point, the outlook is ominous. In short, the defoliation program follows the same pattern as the war in general: assign first priority to American objectives, employ every resource of advanced American technology, and let the Vietnamese people, present and future, bear the consequences.

Numerous examples of this policy were cited by Dr. Pfeiffer. In a 65-mile trip in an armed naval vessel along the waterway linking Saigon with the sea, he observed that the mangroves on both sides had been denuded so that hostile troops could no longer find cover. Scarcely any living creatures were to be seen; bird life had apparently been greatly reduced, with only some carnivorous species remaining.

The general impression in the United States is that defoliation is practiced only in jungle areas, but actually the program is a threat to the lumber industry, which operates in the hardwood forest. The current adverse effects on this commercial timber are of two different kinds. Aerial spraying affects the tallest trees first, and then shrapnel embedded in felled trees damages the saw blades of the lumber mills. A third source of damage is in prospect: when standing timber is killed, weed species such as bamboo take root in the area and interfere with normal regrowth.

Another important economic resource is rubber. The plantations are normally exempt from defoliation, but shifting winds, pilot error, and dumping of defoliation loads in case of engine failure result in accidents. When trees are not killed outright, they become less productive. The director of the Rubber Research Institute of Vietnam suggested that if defoliation should be carried on much

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longer at the present level, the existence of the Vietnamese rubber industry might be threatened. Much accidental damage also affects orchards and vegetable gardens.

An observation made by Orians and Pfeiffer, which has no direct connection with defoliation, brings up to date a statistic that has been noted previously but steadily grows more appalling. "We believe," they report, "that the B-52 bombing is having a considerable ecological effect. Information supplied us indicates that, in 1968, some 2.6 million craters, approximately 30 feet deep by 45 feet in diameter, have been created. Now filled with water, these will create potential breeding grounds for insect disease producers . . ." such as malarial mosquitoes. Holes are made easily enough by bombs, but how are those near population centers to be filled in? A rough calculation indicates that more than 2.5 billion tons of material have been displaced thus far.

The level of defoliation in 1968 was the same as in 1967, but the crop-destruction program was reduced to almost a third of the 1967 level. In summary, the SSRS investigators urged that the Department of Defense make public all its information on defoliation in South Vietnam, that American scientists support basic research by Vietnamese biologists into the effects of defoliation, and that the resolutions of the American Association for the Advancement of Science for a long-term, international study of the effects be expeditiously carried out. It seems a small enough contribution toward some reduction of the despoliation for which we are responsible.

Round One for Bradley

Los Angeles

City Councilman Thomas Bradley staged a remarkable upset victory in the Los Angeles mayoralty primary election by outpolling Mayor Sam Yorty by 100,000 votes. Bradley and Yorty will now meet in a run-off election May 27, and Los Angeles is warming up for one of the most remarkable campaigns of recent years. Bradley is the first black candidate to make an effective campaign for mayor in the nation's third largest metropolitan center. A policeman for twenty years—a factor that is said to have served him well in this campaign—later a lawyer and now for six years a city councilman, Bradley is a liberal Democrat who enjoys unified support from the Democratic Party leadership—including former Gov. Edmund G. Brown and Jesse Unruh, at one time more friendly to Yorty than to Brown.

Yorty is also a Democrat, but one who feels more at home among Republicans (he supported Nixon against John Kennedy and Ronald Reagan against Brown). He is a flamboyant type who began his political career more than thirty years ago as a liberal and has since moved steadily to the right. His hawkish advice to Washington on how to win the war in Vietnam became standard fare for cartoonists; in fact it has been said that Los Angeles under Yorty was the only city in the nation to have its own foreign policy. What hurt the Mayor most, however, has been a series of scandals in city departments.

Between them, Yorty and Bradley dominated the primary. Republican Congressman Alphonzo Bell ran a poor fourth behind television newscaster Baxter Ward. Ten other candidates divided a mere handful of votes. Following the election, Bell accused Yorty of injecting race into the campaign and endorsed Bradley. The *Los Angeles Times* promptly announced its support of Bradley. If he wins, it will be the more remarkable because Negroes make up only 18 per cent of the city's 2.8 million population. To Yorty's charge that he had conducted "a racist campaign," Bradley replied: "We have brought together in this campaign a great coalition of people, a coalition of conscience, a coalition of those who reject the politics of corruption and irresponsibility. . . . I have sought to indicate to the young people, black, white and Mexican-American, that the system can be made to work, that it can respond to the needs of all the people."

Marching On

In an era when gray hair is presumed proof of sellout to the Establishment, A. Philip Randolph wears his crown as a mark of long, distinguished defiance. Sixty years ago he started a career which, with undying integrity to principle, has worked its way slowly forward on behalf of his black brethren. With a character marked by a strange mixture of radicalism and high patriotism he often earned the anger of both ally and enemy. In the 1920s the Justice Department called him "the most dangerous Negro in America." When W. E. B. Du Bois called for support of the country's part in the World War I effort, Randolph attacked the suggestion repeatedly because the United States failed to make democracy safe for his people at home. On the other hand, when Marcus Garvey's "back to Africa" campaign was at its height, Randolph flatly refused to consider the idea, publicly saying, "we have no other home." His guiding principle has always been to stay and make the fight from within the system.

In the early part of the century, Randolph decided that the Negro minority could hope to overcome its disadvantages only by coalition with like-minded groups in the white society. Having won a twelve-year battle to organize his Sleeping Car Porters, an effort undertaken originally at their request, he moved completely into battle alongside of—and in dispute with—the labor unions, realizing that full employment was a goal both blacks and unions could fight for together. He soon became the black conscience of the labor movement, returning, in the words of George Meany, "year after year" when "he didn't have too much help" to break racial barriers. The fact that Randolph frequently provoked Meany's anger was simple proof of his persistence. There are now more than 1.5 million blacks in the unions, where there were handfuls before.

Today Randolph's involvement in two famous Marches on Washington are important not only for their substance but because they were separated by more than twenty years; the later one was in 1963. He is a symbol of both a lingering problem we cannot shake and a persistent hope we had better not lose. Mr. Randolph marks his eightieth birthday this month.

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THE COPS

The Problem of the Problem

RALPH LEE SMITH

March 30, 1969, was the last day in the life of Michael Czapski, a 22-year-old Detroit patrolman. According to the police, on the evening of that day a Black Nationalist group held a meeting in the New Baptist Church, at Linwood and Philadelphia Avenues on Detroit's near West Side, the heart of the black ghetto area that was swept by riots in 1967. After the meeting Patrolman Czapski and another officer, Patrolman Richard Worobec, saw a number of Negroes, some of them armed with rifles, entering cars near the church. When the patrolmen approached the group, they were greeted with a fusillade. Czapski fell, struck by eight bullets in his chest and head. Worobec, wounded by three bullets in the back and right leg, crawled to his patrol car and radioed for help. When it arrived, police entered the church, numerous shots were fired, and four Negroes were wounded. One hundred and forty-seven were arrested, of whom all but two were subsequently released. At this writing, no one has been charged with Patrolman Czapski's death.

When I read of this, I recalled a story that had been told me about three years ago by the wife of a friend. She had been a nurse in the emergency ward of a large Philadelphia hospital in the early 1950s. "Early in the morning the police cars used to bring in beaten-up Negroes," she said. "At first I assumed that the Negroes had been in brawls, but it soon dawned on me that these early-morning arrivals were never stabbed or shot. It was an almost monotonous pattern of terrible beatings. I asked the doctors, and the doctors told me that these were the men who had been 'worked over' in squad cars or in station houses the night before."

"Did you do anything?" I asked.

"I was a kid, just out of nursing school," she said. "I had no idea what to do."

"What about the doctors? Did they do anything?"

"Never," she replied. "They had no interest whatever in taking on *that* kind of trouble."

What if emergency ward doctors, and other "respectable citizens" in a position to know the truth, *had* spoken up, aroused their communities, and insisted on reform during those years before the storm? Is it too much to think that the police themselves might have been the chief beneficiaries—that Patrolman Czapski might still be alive, and that the issue that goes under the rubric of "The Cops" would be something different from what it is today?

The problem of the role of the police in urban American society, a subject of almost monumental public indifference until two or three short years ago, has emerged swiftly into the headlines and will undoubtedly remain there for the foreseeable future. At this juncture, little purpose would be served in reviewing the events that

Notes on Contributors

William P. Brown, a retired inspector of the New York City police, teaches at the School of Criminal Justice, State University of New York (Albany).

Ed Cray, director of publications for the ACLU of Southern California, is the author of *The Big Blue Line* (Coward-McCann). He has written for a number of publications on California politics and particularly the activities of the extreme Right.

Gordon E. Misner, visiting associate professor at the School of Criminology, and visiting associate research criminologist at the Center for Planning and Research Development (both University of California), is a former member of the Marin County (Calif.) Sheriff's Department and of the California Attorney General's Advisory Committee on Criminal Statistics.

Robert Pearman is a reporter on the Kansas City *Star* who writes frequently on state penal problems.

Alvin A Rosenfeld, now a medical student at Harvard, spent two months in San Francisco in the summer of 1968 studying the Community Relations division of the Police Department.

Ralph Lee Smith, a free-lance writer, is the author of *The Tarnished Badge* and *The Bargain Hucksters* (both Crowell).

Hans Toch, professor of psychology at the School of Criminal Justice, State University of New York (Albany), is the author, among other books, of *Social Psychology of Social Movements* (Bobbs-Merrill) and *Legal and Criminal Psychology* (Holt, Rinehart & Winston). His *Violent Men* will be published soon by Aldine.

Hillard J. Trubitt, Commissioner of Public Safety, Utica, N.Y., is on leave of absence from Indiana University where he is an associate professor of police administration.

Stephen H. Wildstrom was the 1968-69 managing editor of *The Michigan Daily*. He is now doing research in the field of police-community relations.

The editors wish to express their thanks to all of the above and also to Richard A. Myren, Dean of the School of Criminal Justice, State University of New York (Albany) and to Jerome H. Skolnick, who is currently visiting scholar at the Center for the Study of Law and Society, University of California. Both men generously contributed ideas for the subject matter of this issue and advised on the writers to be approached.

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brought the problem so dramatically out of obscurity. These have received saturation coverage, climaxed by the newspaper and television coverage of the events during the Democratic National Convention in Chicago. There, unleashed passions and hatreds of demonstrators were met with unleashed night sticks in what a report issued by the National Commission on the Causes and Prevention of Violence called "a police riot."

Re-creation of that terrible week—the shouts of "pig," the sound of clubs on heads, and the sight of bodies on the streets—can be left for the historian. What is now required, urgently, is a far broader etiology of the problem than we have previously possessed. Origins, causes, dimensions, key issues, and possible directions for constructive change are pressing for elucidation, and it is to this need that the present issue of *The Nation* is addressed.

During the long years when there was neither academic nor community interest, the principal second-guessers of the police were journalists. The ephemeral nature of most of their work makes it difficult to remember that the problem of the role of the police has been one of long continuity. A review of newspaper articles and of the few journalists' books on the subject that appeared between the end of World War II and 1965 suggests, however, that if opportunities were missed during the Great Sleep of the 1950s, a really unique one was missed by a great number of people who should have recognized the opportunity as those years drew to a close and the Kennedy years began.

A series of police scandals erupted in major cities in the late 1950s and early 1960s, involving internal police corruption. These included the discovery of smoothly run burglary rings in Chicago and Denver, in which police cruisers covered and protected the crimes being committed by fellow officers. The revelations were sensational; officers turned in their badges and went to jail; and the public shouted for reform.

Important and often far-reaching reforms came, many or most of them created and put into effect by progressive police administrators who held, for the time being, a decisive balance of power over conservative elements in the departments. Procedures were brought into the 20th century. Recruitment methods were refined and requirements for joining the force were raised. A start was made in the screening of applicants for psychological suitability. To the extent that a fickle public interest made it possible, salaries were boosted and a notably higher standard of professionalism was introduced.

This wave of reform and modernization happened to coincide with the high tide of the civil rights movement and federal civil rights legislation. It seems a tragedy that the two parallel impulses were not united. The momentum of police reform might have been enlarged and channeled into the area in which little innovation occurred, and which was to dwarf all the others in the grimmer years just ahead—the problem of community relations. But that was the one issue that lay largely outside the grasp and competence of even the best intentioned police administrators. Organized external pressure, with clear programmatic ideas and well-marshaled civic support, was needed. It did not come, and the moment passed. As a result, it is hardly an exaggeration to say that America's police forces entered the era of campus and ghetto explosions carrying, as the only relevant texts, copies of Allan Pinkerton's book on the Mollie Maguires, and Anthony Comstock's book on how to rid the nation of obscenity. It is a failure for which black and white leaders, reform municipal governments, the civic community, universities and large foundations—all of whom had every reason to know where the ball game was—must accept a heavy share of blame.

An interesting development on today's horizon is the possibility of a national police union. In February the executive council of the AFL-CIO authorized George

Drawings by Barnell

Meany to charter such a union, if and when interested policemen in a representative number of cities set up satisfactory organizations and vote to join.

An obvious possible advantage of a national union would be that a higher degree of statesmanship, and a greater degree of concern for the public interest, might be evinced through such a structure than is often in evidence among existing patrolmen's benevolent associations. The possible disadvantage is equally clear. The remoteness and rigidity of thinking that characterizes the present national leadership of American labor, is just about the last thing that the crisis-ridden cities need in trying to shape their police forces into organizations that will reflect a new relevance to near-revolutionary situations.

People who think that cities can live and citizens' rights can be safeguarded without the police, people whose reaction to the problem is to hate all police or all disrupters, and advocates of right-wing "Blue Power," are little apt to be persuaded by the pages that follow. Others will almost certainly find a great deal of interest. With good fortune the articles will stimulate both an expanding dialogue among all parties involved, and well-conceived new initiatives in community action.

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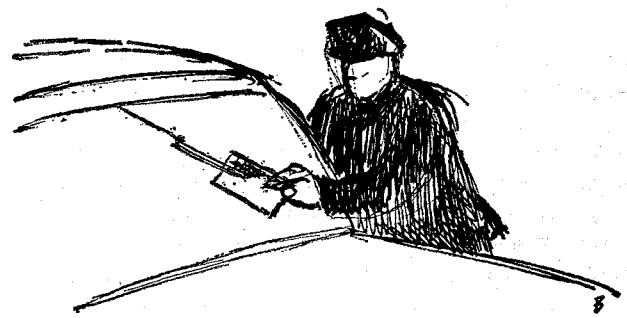
Enforcement: Illusion of Security

GORDON E. MISNER



It is becoming increasingly fashionable for police in many sections of the country to refer to themselves as "law-enforcement officers." Part of the reason for the popularity of the term is the impression it conveys to the public that law enforcement per se is the primary and highest goal of American policemen. This in turn stems from the growing anger, frustration and anxiety of policemen, who feel more and more embattled, less and less supported by the public. An apprehensive citizenry is advised that security at home and on the streets can be purchased—or otherwise attained—only if the laws are efficiently and rigorously enforced. But one need not be perverse to be amused by the thought of what would happen if *all* the ordinances and laws of a city were uniformly enforced—even for one day! The resulting confusion and disruption would border on civil chaos and collapse.

What we contemplate is not law and order but law *or* order, and the dilemma arises from the conflicting set of instructions which society has historically given to policemen. As a nation we have amply demonstrated our reliance and dependence upon laws and sundry regulations, many of which were promulgated to deal with what at the time was a "current crisis." Others were enacted to satisfy the needs of some special group. Probably, only their promoters took such laws seriously; the social interest in their enforcement, much less their strict enforcement, was no doubt of a low order, even at the time of their passage.

At the same time, we have developed a widespread attitude that the observance of many laws and regulations is really a matter for the other person. As individuals, we often resent enforcement that is applied to us, and this attitude multiplies into a national resistance to strict enforcement—against ourselves or our friends—that has never been well concealed from the policeman. Despite official police organizational pronouncements of "toughness," it has been traditional in large police departments for this dilemma to be worked out as part of the informal social system of a policeman's "survival training." Old-line, experienced policemen have usually made a successful accommodation to the competing demands which are placed upon them for "strict enforcement" and "the use of common sense."

The policeman really has two role models from which to choose: he can conceive of himself as a "rule enforcer," or as a "guardian of the peace." He is helped in the choice by the role preferred by his chief and immediate superiors. In many departments, being a rule enforcer is viewed as a necessary stage of development in the growth of a mature policeman. More than simply being a "tyro," the rookie policeman is often a source of embarrassment, amusement and concern to his older fellow officers. The rookie is often viewed as terribly eager and naive, inexperienced, and primarily enforcement-oriented. The older policeman hopes that the young prospect will realize eventually that strict enforcement of the laws is a gigantic inconvenience, not only to the public but also to the policeman himself. It is part of police folklore that an experienced policeman knows how to "stay out of trouble," and has necessarily learned that law enforcement is simply a means and not an end in itself.

In recent years, however, the term, law enforcement, has assumed almost the proportions of a fad from which it seems to me there derive a number of unfortunate social and organizational consequences. It is no more accurate to refer to policemen as "law-enforcement officers" than it is to apply the term to judges, correctional officers, prosecutors, or even public defenders in their role as "officers of the court." The fad could be excused or ignored, however, if imprecision were its only fault. Unfortunately, there seem to be some long-term substantive disadvantages as well.

In the first place, if law enforcement is made the primary goal of local policing in the United States, it produces a particular attitude in the persons who staff police agencies. It not only influences the individual policeman's definition of the job but also affects his priorities while on his job. Organizationally, it helps give substance to training programs and describes in advance the system of rewards. But this expressed enthusiasm for the law-enforcement appellation masks the fact that enforcement duties comprise a minor part of the *typical* policeman's daily routine. Enough data has now been collected from a variety of cities to show clearly that uniformed policemen in large urban areas typically spend less than 30 per cent of their *working* time dealing with crime or other enforcement duties. Certainly, there are some uniformed policemen—for example, motorcycle officers on traffic duty—who devote most of their working time to such matters. Across the board, however, the uniformed policeman is engaged for the most part in work which should properly be classified as "public service." This is often true even in "high-crime neighborhoods." It seems that neighborhoods which have a high incidence of crime also have a high incidence of calls for other police services. This has probably always been so in 20th-century urban America.

Another negative consequence of this fixation on enforcement is the cloud it casts over the true nature of the contemporary urban police mission. "Law enforcement" is perhaps a neater and more explicit term than "police." The clarification, however, is more illusory than

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real. There are situations when non-enforcement of certain laws or regulations may actually contribute to the peace and tranquillity of a community. Enforcement, therefore, is a two-edged sword that must be used with a delicate sense of balance and timing. To suggest that "total enforcement" is a magic formula for reinstituting order in a troubled community simply lulls the public into a false sense of security. It also diverts public attention from seeking more basic, long-term solutions to social problems.

The whole concept of policing a democratic society rests on the assumption that a cooperative public acts as a substitute for the omnipresent policeman. This concept and the concept of widespread law observance will not work unless the vast majority of citizens support the police actions against the noncomplying "marginal few." No one knows how much "marginality" we can afford as a society. Let us assume that the police can be "successful" as long as the marginal few represent no more than one-tenth of 1 per cent of the total population. Can the police in our society still be successful if the number rises to 1 per cent? And if it reaches 10 per cent, what are the social costs of police success at that point?

If the definition of "marginal few" is expanded to include all those who are hostile toward the police, or who seriously resent their presence in the community, the relevance for a philosophy of total enforcement becomes clear. Without public cooperation, the police are sealed off from all sorts of information sources which are vital to their tasks of criminal investigation and apprehension. The ability of the police to protect residents of a community diminishes as the gulf between the community and the police widens. The cumulative consequences of this situation are evident today in many black communities throughout the nation.

Finally, "enforcement" represents an increasingly popular cause in a public alarmed for its personal safety. If told repeatedly by policemen—the men on the "firing line"—that the evils of crime and civil disorder can be destroyed by strict enforcement of the law, anxious citizens are likely to lend sympathetic ears and political power.

Thus police pressure for greater and greater enforcement, coupled with popular alarm over burgeoning "crime rates," creates a situation in which police lobbies can effectively thwart the intentions and programs of elected policy makers. It is interesting that during the police review board struggle in New York City two years ago, no one could mount an effective answer to the slogan, "Keep City Hall out of the Police Department." To my mind, the social implications of the assumption that the police should be held aloof from city government was much more important than the issue of the review procedures themselves.

The fact is that the nation has probably *never* developed an effective system of police control, at least in its large urban areas. Big-city police departments have for the most part operated on their own momentum and without effective external direction or control. Now, at the very time when we find ourselves confronted with the most compelling need to redefine our whole set of public services, the political climate is such that a genuine redefinition may be impossible. In the nation's urban centers, social upheavals make a re-examination of police resources and their utilization imperative; but the general public seems to find the environment so threatening that its fears may forestall any meaningful attempts at police reform.

"Reform," as used here, is really much more concerned with basic police organization and the nature of the contemporary urban police mission than it is with honesty, integrity, minimal levels of efficiency, etc. I take it for granted that the public believes policemen should be honest, diligent, resourceful and energetic—at least to the same degree as is the average citizen! I am concerned to determine the actual needs of the community and to match those needs realistically with police resources. This means redesigning and retooling an institution which has remained essentially unchanged for the past sixty years, so that there will be a much closer match between social need and public service.

I wish to emphasize here my conviction that the nation at large receives a higher level of police service than it really deserves! American policing has been neglected by the public for generations. If the suburbanite and the white middle class is now having a love affair with its police, it is almost certainly a marriage of convenience, to be annulled as soon as the present "emergency" ends. In the past, the middle class has had no more intimate and enduring relationship with the police than have the laboring and impoverished classes. Any progress and reform achieved in the police service has generally been motivated from within. The movement toward police professionalism was usually achieved in spite of the apathy or actual opposition of the general public and its elected officials. Sel-

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dom, if ever, have the police themselves opposed programs of increased training, higher recruitment standards, or of improving the equipment provided policemen. Unfortunately, however, none of these types of "improvements" have made any basic alterations in the police as a social institution. At best, they have improved the efficiency of traditional methods of local policing.

Rather than patrolling on foot or on bicycle, today's policeman usually has an automobile, even a helicopter. His basic tasks, however, are essentially what they were in 1910, and his increased mobility has reduced his casual, day-to-day, informal involvement with members of the community. The modern policeman is undeniably better trained and educated than his 1910 counterpart, but the definition of his job and the scope of his training have done little to improve his relationship with the community, or his ability to change with its changes.

Indeed, one of the structural defects of policing is its resistance to change. The fault is common to all large bureaucracies, but the police system seems particularly resistant, partly because of the nature of its work and partly because of the orientation of its personnel and the character of its personnel system. When a police department has been basically altered, the change has usually come about because of the administrative style of a particular chief of police or mayor. But a creative "experimentalist" is a conspicuous exception in police work, as in many other public endeavors. Since police executives are usually products of the police system, any administrative "risk taking" is the more noteworthy.

As in the early 1900s, the nation's local police forces today represent closed personnel systems. Usually, there is only one way in, and that is at the police recruit level. Therefore only one type is sought—someone qualified to serve as a basic police officer. Virtually all appointments come from within the ranks, despite the fact that at a particular time there may be no one in the department really qualified for the job opening. Since there is no mechanism by which police personnel can generally be exposed to other social perspectives or methods of problem solving, promotion is no guarantor of managerial competence or social savvy. A given policeman may have more than his share of "street sense"; as a supervisor, manager, or policy maker, he may be an abysmal failure. But the closed personnel system freezes out persons with different experiences or perspectives.

One might hope that even with these limitations an attempt would be made to improve chances of securing capable police leadership by special training and careful promotion procedures. Unfortunately, such is not the case in many cities. In one large Midwestern city, for example, firearms proficiency matches are still required as part of the promotional process for all ranks. Failure to score one in the bull's-eye may block a man's advance to the rank of assistant chief of police. Another classic example is the Western police department which asks its candidates for the rank of captain such trivia as the maximum permitted length of a dog's leash in certain city parks!

Changes have occurred and will continue to occur in the

methods of organizing and dispensing police services. It is problematic whether they can be effected in time to avoid the perils of escalating urban violence. Police executives who are generally disposed toward change are increasingly aware that they must move cautiously or face a revolt within their own departments. Some who were formerly receptive to change are now being cautious and favor "police work as usual." Rank-and-file policemen are convinced that the dangers they have always lived with have increased significantly in the last two years. Many of them feel that they have waited for years for the public to realize the handicaps which they are forced to endure, handicaps which include misguided or subversive court decisions, a permissive society, an absence of public support. As public fears multiply, so does the support. Although policemen may not reject long-term solutions, their interest is clearly with some immediate relief. They are convinced that strict enforcement has never been given a fair trial, and they are eager to prove that it works. Their mood is such that they are often unwilling to defer any longer to their administrators or to politicians.

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Cops & Blacks: Warring Minorities

HANS TOCH

The United States today is a country in the grip of an internal cold war. Militant ghetto residents are pitted against militant members of metropolitan police forces. Each group watches the other with apprehension, and each plots countermeasures against expected aggression. On both sides are those who proclaim that they will experience Armageddon in their day, in the shape of a premeditated massacre by the opposing force.

There are also those, on both sides, whose pronouncements legitimize fears. There is much saber rattling, and some of it is literal; blacks collect rifles and steal ingredients for bombs; police fill warehouses with armor and artillery. And neither side, strangely enough, goes about its business quietly and discreetly. While details are classified, the fact of escalation is loudly and aggressively proclaimed. The suspicion arises that, in addition to psychological warfare, self-stimulation is at work—something in the order of a pep rally to doomsday.

Militant spokesmen for the ghetto are prone to characterize the police as an invading army representing the white establishment. This characterization is ironic, because the police, far from being the agents of the majority, are a minority themselves. They have the problems of a minority, they feel like a minority and they think like a minority. In fact, an articulated Blue Power ideology, espoused by militant and self-conscious police spokesmen, in most respects runs fully parallel to the premises and conclusions of Black Power.

The objective situations of blacks and police are in many ways similar. The police inhabit a ghetto of their own, and they are doomed to segregation. They have little hope of man-to-man communication with civilians, who —even if favorably disposed to law enforcement—tend to be nervous and self-conscious in encounters with officers. The average person finds it difficult to feel open and at ease with a man who sports a conspicuous firearm, who is entitled to question, search and arrest him. Even the officer's wife and his children may experience some awe, distance and reserve among peers. This is a standard problem for minorities, and most minorities react to it defensively. They do what they can to convert their liability into an asset. They become self-righteous. ("Our country!" John Crittenden proclaimed when the United States was a minority in the world community, ". . . I will stand by her, right or wrong.") They seek one another's exclusive company, and regale one another with their own virtues, sometimes enhancing these to superman proportions. Self-regard and pride slide into chauvinism, especially when they are built on a foundation of persistent self-doubt.

In the code of minorities, it is important to present a united front. There must be no break in the ranks, no visible division to be exploited by the hostile majority. Among blacks, "soul brothers" are protected, even though they may have courted trouble by losing their cool. Among police, "brother officers" are supported, even when they have proved trigger-happy or brutal. Review boards are anathema to police, because they expose fellow officers to public view; badges must be removed, not so much to avoid blame as to share it.

Obviously, one can carry the analogy between the fate of blacks and the police much too far. There can be no equating of joblessness with insulation, of discrimination with distance, of blind alleys with unpopularity. But often, perceptions are more real than reality, and subjectively the worlds of the police and of blacks are remarkably similar. The police, like the black community, feel themselves discriminated against and unpopular. They feel themselves stigmatized by indices of status. They feel their ambitions thwarted and their objectives misunderstood. They feel impotent and without recourse. They feel hated and persecuted. And they sense that the situation is steadily degenerating into a future of complete hopelessness and utter helplessness. "We are damned on every side" is a favorite police maxim, stated with feeling.

Militant police officers—like militant blacks—react with the premise that they can no longer operate within the system. They feel that, to make themselves heard and respected, they must by-pass the strictures imposed by an insensitive, or even malevolent, power structure. In a sense, this goes beyond the routine gambit of positive minorityism. It represents a super-defensive reaction, which arises when standard group defenses fail. It is found among those members of a minority—mainly the young—who sense behind the self-delusion of their fellows an unresolved, permanent impotence. What they demand is the removal of social institutions that enforce impotence; these, unfortunately, may include competing minorities.

Blue Power advocates among the police are radical dissenters where most officers are moderate critics of the system. For instance, it is a police truism that judges are unfriendly to law enforcement. Every officer will grouse, if he is given the chance, about lenient sentences and Supreme Court rulings. But the Blue Power officer does more than grouse. He may demand the ouster of trial judges (as is happening in New York) or he may circulate Birchite literature calling for the impeachment of Supreme Court Justices.

Police officers usually circumvent the law in minor ways. They arrest people without intending to prosecute them. they dispense justice through negotiation, they garner information not admissible in trials. But such acts are committed without malice, as part of the accommodation process to make our system work. Blue Power advocates would play the game of circumvention grimly and seriously, and carry it to extremes.

If given his way, the Blue Power officer would harass, persecute and punish people, and—if he thinks it "necessary"—would suppress evidence and lie on the witness stand. His object is to "enforce the law" over the dead body of the law. With respect to black militants, such an officer would stand ready to use force (we have seen sad

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instances of this). He sees the racial issue as a battle between police representatives and black criminals, with society as spectator.

In general, police and blacks are obsessed with the need to instill respect in each other. For both, the demand for respect is for recognition on the basis of group membership rather than for a positive reaction to personal qualities. One reason for this is the feeling that in the past one's kind has been rejected because of blind hatred. The assumption of a "disrespect for law and order," like the premise of "200 years of slavery," leads to the demand for a turned tide.

But there is also a strong component of insecurity here. The men involved feel that their interpersonal skills and their qualities as human beings are insufficient to the problem of coping with the enemy. For each group, the other symbolizes threats that lurk on every corner of the ghetto. The young black does not know how to react to police incursions, and the young officer feels helpless in dealing with difficulties posed by his tense encounters with hostile blacks. Each man comes to feel that he must rely on his group identification—badge or color—as a substitute for answers he cannot find in himself. When the officer stops a black man (for what he considers legitimate reasons) and is rejected and insulted as the invading racist, he is insured against the need for self-examination by knowing that his opponent has no regard "for law and order." When a ghetto resident is humiliated (as he feels, unjustifiably) by a police officer, he can deduce that he has been persecuted by "an agent of white oppression." Neither party need conclude that it has to make the delicate judgments implicit in personal encounters: the matter is prejudged; two men approach each other, not as human beings but as uniformed members of military forces engaged in a doomed truce in a no-man's-land.

Police and blacks act not only as self-appointed representatives of their kind but also as uncompromising representatives, who must "come on strong" as a matter of premeditated policy. Many years ago, Gilbert and Sullivan wrote such an approach into a prescription for individual conduct:

His foot should stomp, and his throat should growl
His hair should twirl, and his face should scowl
His eyes should flash, and his breast protrude,
And this should be his customary attitude.

Such is the militant's stance, and it can be recognized in the baton-swinging swagger of the young officer embarking on his early assignments. The demeanor is a bluff, a transparent effort to convince oneself that one can survive, even conquer, though impotent.

The approach is, of course, partly built into the police subculture and the subculture of the ghetto. Every enforcement training manual stresses the desirability of a firm, loud, no-nonsense command voice. Every ghetto youth learns the need to act tough in his neighborhood jungle. What is new is the consistent, self-conscious policy, in each group, to make the other party the testing ground of valor.

It would be bad enough if militant minorities presented problems for their own kind, but the threats they pose extend to nonmilitants, and to the public at large. No one can speak up to a Blue Power officer without implicating the police as an institution. Anything less than assent to omnipotence becomes an affront to "the law." In turn, anything the officer does, no matter how arbitrary or capricious or stupid or tactless or miscalculated, becomes an act of "law enforcement." Disagreeing with a militant officer lays one open to the accusation of being motivated by perversity, prejudice and incipient anarchism. For his part, the officer feels perpetually persecuted, in that again and again, as he bumbles his way through his awkward personal encounters, the social order appears subjected to unbearable contempt. This leads to cumulative bitterness and increased militancy. When bluff and bluster achieve nothing, it follows that the blame must lie elsewhere. Personal impotence is attributed to national "criminal coddling." The officer feels "handcuffed," not by his own behavior but by bleeding-heart judges and politically motivated civilians.

To date, police excesses and black excesses are approximately equal. We have seen riots initiated by both groups and we have seen confrontations break into open warfare, when pretenses of restraint and self-discipline were dropped. But blue militants are capable of going beyond these limits. Police ideology can reach the point where the officer can question the legitimacy of the obstructions under which he operates. When he comes to see other institutions as unmitigated evils, he can turn law enforcement into anti-law enforcement, and can begin to sabotage the machinery he is sworn to serve. Such a point has not yet been reached with the police, but a few snipings or dramatic court decisions may create incidents (such as the anti-Panther vendettas in New York and Oakland) which fall into the category of officers attacking the fabric of society.

It is then that Blue Power turns into blue racism, and

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blue pride into blue hate. What emerges is the demand for an autonomous police, or a police state. Unfortunately, the latter (unlike black separatism, which is a weird daydream) can be partially implemented, and that is why Blue Power must be fought. It must be fought, like all ideologies, at its origins. It can be neutralized only by dealienating police, by depriving them of the stigmas of minority status—stigmas that now separate them from the rest of us, and that force them into tortuous efforts to salvage self-esteem.

The task is difficult; it entails radical restructuring of the police function. It may demand police-civilian collaboration far beyond currently fashionable small-group dialogues and training sessions. Police officers and civilians must labor together intimately and as human beings; they must engage in efforts designed to improve their common lot. They must divest themselves of badges; they must address themselves to social and existential problems of obvious universal import. Through assigned roles, we must restore to each person his primary status as a member of the community, relegating the police role or black role to secondary importance.

Such activity cannot be marketed as "community relations" because it aims at changing people, rather than at improving their images. And it cannot call itself training, because it teaches no skills. It must be, unashamedly, an effort at integration, and—like all integration—it must be total in order to be effective.

Less drastic measures could include the rendering of new kinds of positive police services. What comes to mind here is not social work—at least not as we know it. To be meaningful, positive contacts must be two-sided, and they cannot feature the dispensation of demeaning gratuities. True contacts involve open communication, and permit the other person to participate; they must force helpers to learn as well as to teach or to help; and they must deemphasize pretense-expertise and empty professionalism. (The "professional" carries a badge of his own, in many respects more dangerous than those worn by the police.)

Another direction of necessary change is personal. It

involves redefining the criteria we use to gauge each officer's personal worth. We must give recognition to kindness instead of toughness, to influence rather than force. And we must reward substance in place of bluff and pretense. In some ways, this implies a reversal of the values that currently prevail—making it obvious to the officer that he demonstrates his inadequacy in those situations in which he now feels he proves his manhood and upholds the law. Each officer must be shown that he is weak when "strong," and that he is a pawn where he feels he wages war on his own terms.

None of this is easy, and some of it may be impossible. But where is the alternative? Certainly, no one—least of all the blue minority—can afford accelerated segregation. Apartheid is not a happy state. It produces a climate of fear and hopelessness, and it rests on nagging personal impotence. In its name, human shells in black and blue fearfully eye each other around corners in the dark. We cannot afford this spectacle. And we can afford even less the prospect of militant men—driven by panic—setting out to destroy the social order they serve.

The Politics of Blue Power

ED CRAY

This has been the year of the cop. As never before in the 126-year history of organized police forces in the United States, law enforcement has figured in the daily prints. Yet for all the hue and cry, and the accompanying polarization of public opinion, the major issue has barely surfaced. Who is to control the nation's police forces: the police themselves or the community?

Mayor Carl Stokes of Cleveland, caught up in his own struggle, told the *Los Angeles Times*'s D.J.R. Bruckner last October: "I talk to a lot of mayors in my work, and I find that the same problem is being faced by mayors in New York, San Francisco, Boston—you name it. It is just a little hotter in Cleveland."

From city to city, the authority of elected officials varies inversely with the control maintained by ranking police officers. In Los Angeles, where the late Chief William H. Parker armored his fortress with a moat of pseudo-professionalism, his successors are in full control. The five-man Board of Police Commissioners, charged by the city charter with responsibility for policy, is a complaisant rubber stamp for the current chief. In Cleveland, where the police can make no such claim of detached professionalism, Stokes replaced his chief, Michael Blackwell, with a deputy inspector willing to reorganize

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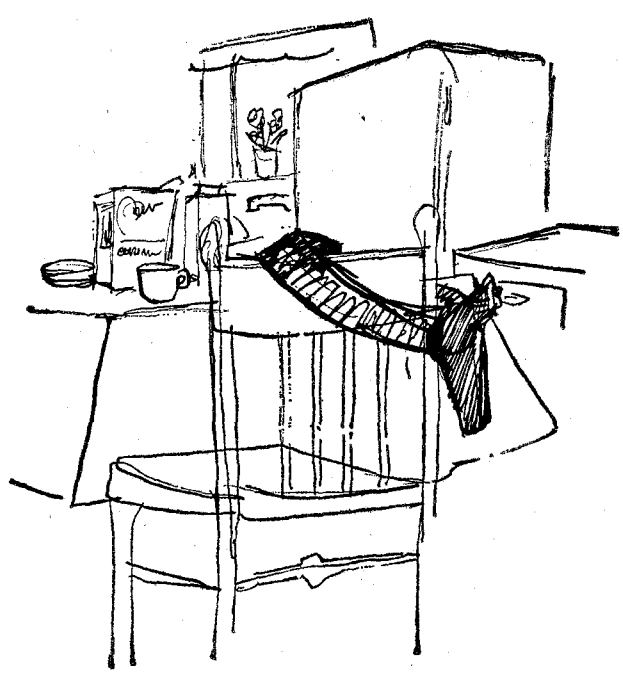
the department. In New York, the president of the Patrolmen's Benevolent Association (PBA), John Cassese, has felt strong enough to challenge Mayor John Lindsay and bid to usurp the authority of Police Commissioner Howard Leary.

In the face of threats, real and imaginary, the police have openly girded themselves with a new found armor—political influence, supported by public fear of rising crime rates and ghetto rebellion. However clumsy law-enforcement agencies have been in using this power, they have won far more than they have lost. Old-time police leaders made their political deals with politicians, exchanging continued leadership of their departments for guarantees of myopic law enforcement. When in the 1920s August Vollmer first put forward the concept of professional law enforcement, he insisted that his Berkeley (Calif.) department be free of political influence. (College town or no, Berkeley was as wide open as any in America.) Vollmer's disciples made the same demand, usually in the first breath, as police professionalism gained a foothold on the West Coast. Police service was to be civil service in concept, but quasi-military in discipline. Theoretically, recruitment and advancement were to be free of outside influence, and based entirely upon professional abilities judged by the police themselves.

But though law enforcement would like to police its own profession—as doctors and lawyers pretend to do theirs—the American system of justice makes the courts surveyors of police practices. Since 1936, when the United States Supreme Court first involved itself in the control of police practices, judges have more and more closely scrutinized the day-to-day routines of the men on the beat. In one way or another, city charters provide that the highest authority of the department is to be civilian—a city manager, a police commission or single commissioner, a mayor or city council. Whatever the final authority, it *is* political, and it *is* civilian.



Driving for autonomy, police have co-opted this civilian head, have deliberately ignored it, or have struggled against it, covertly or otherwise. If the conflict breaks into the open, the police rely then upon a pair of arguments: no civilian can understand the arcana of police work; and law enforcement must be free of political influence, the inference being that politics is the essence of corruption.

The issue has been most clearly drawn recently in New York City, where a lifelong police officer, Howard R. Leary, has dressed in intellectual mufti to lead the nation's largest police force. Leary follows four civilians as commissioner, each of whom in turn was taken into camp by the ranking officers who surrounded him. Police buffs or victims of their own inability to cope with the rivalries within the department, Francis Adams, Stephen Kennedy, Michael Murphy and Vincent Broderick became figureheads for police administrators. As Lindsay's appointee, former Philadelphia Police Commissioner Leary was suspect to officers on the beat. At the same time, he was a professional policeman; once a cop, always a cop, policemen insist.

The first shock came when Commissioner Leary appointed Sanford D. Garelik, a Jew, as chief inspector, and Lloyd G. Sealy, a Negro, as assistant chief inspector. Neither was part of the department's Catholic and, more particularly, Irish Catholic cadre. Neither had been part of the leadership before the coming of Mayor Lindsay and Commissioner Leary; both were harshly criticized as "political" appointees.

They were that, of course, though clearly their appointments were Leary's prerogative. Garelik is one of the "new breed," intellectual and reforming, an outsider because of his faith and markedly cool manner. Sealy, a former precinct captain in Harlem, was clearly able to handle his major responsibility of police-community relations. As a bonus, his color would serve as a token of the department and City Hall's determination to improve relations with minority groups.

No sooner had Leary settled into the dreary headquarters on Centre Street than the Policemen's Benevolent Association moved to challenge the Lindsay-sponsored Civilian Review Board. That board had been in existence since 1955 and, though police distrusted it, had performed its pittance by authority of the police commissioners. Lindsay, to offer a promise of greater redress to victims of police malpractice, made two changes in the board: he expanded it and installed a civilian majority. That was enough.

Wary of a civilian-dominated board empowered to review police actions which prompted complaints from the citizens, the PBA challenged. As justification for first an unsuccessful lawsuit and then a referendum which would return the review board to its former police dominated status, the PBA insisted it was acting to preserve the commissioner's authority.

Leary took the New York post knowing he would have a civilian review board making recommendations to him about offending officers. But he also knew that he could

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live with it; in Philadelphia, a similar board had been operating since 1957.

The PBA poured great sums of money into the campaign against the board, its city-wide ads deliberately hinting that rape and pillage would prevail were the Lindsay setup to continue. That November 1966 was a turning point; for the first time, police felt a public support strong enough to mount a counterattack on the permissiveness of parents, courts and miscellaneous do-gooders.

According to former New York police Lieut. Arthur Niederhoffer, "The commissioner's power was never the primary concern at all; it was a fight for PBA power, police power and perhaps the Conservative Party power." Lindsay's review board was turned down by a panic-driven electorate. With that 3-to-1 defeat, the police had gained their first major political victory in the public forum. The ingredients were simple: the white backlash coupled with politician-lashed fears of crime in the streets. That combination has worked since.

The PBA was inflated by that success into a major political power in New York City. Mayor Lindsay, Sen. Jacob Javits and the late Robert Kennedy had all endorsed the expanded review board. All three were major vote getters, all put their prestige on the line; all suffered with the defeat. Police across the country sensed a new mood abroad, one closer to their own. Politicians—more sensitive to public opinion—took note.

Those election returns led directly to an even greater political victory for police hard liners, the Safe Streets and Crime Bill of 1968. Southern Democrats, angry at the Supreme Court for the school desegregation, school prayer and one-man-one-vote rulings, turned a politically sound appropriations bill into an attack on the Court. Repealing certain of its recent decisions which had circumscribed police practices, Congressmen and Senators alike voted the bill into law. To do otherwise, despite the anti-Court provisions which many disliked, was to appear soft on crime at a time when law and order was the single most potent political issue. It was also an issue which police were willing to use to their own advantage.

On July 27, 1968, the Brooklyn Bar Association released a survey that it had conducted of policemen. Seventy-three per cent believed "political considerations are reflected in their enforcement of violations of the law and crimes committed." (The association did not comment that the results were hardly surprising in a department which firmly believes that for good assignments and promotions the individual officer needs a friend in high places. Such friends are curiously known as "rabbis.")

Three days after the survey was released, Dist. Atty. Frank S. Hogan was sniffing about for hints of political interference in police handling of a July 10th City Hall demonstration, when some 1,500 youths protesting a cutback in summer jobs had damaged automobiles while 250 policemen looked on. Despite Mayor Lindsay's prompt denials of interference with police handling of the demonstration, he was forced to defend his long-held policy of restraint in handling civil rights protests. "It is

the mayor who must set policy, and any mayor who abdicates this duty is abdicating his responsibility to the people," Lindsay told the press.

That same day, Police Commissioner Leary appeared before a state legislative committee to ask for guidelines on what behavior might be tolerated in demonstrations. According to *New York Times* reporter Charles Grutzner, "Mr. Leary's suggestion was, in effect, a request for legislation to define specific actions as requiring arrest or other police action under special circumstances such as mass picketing, other demonstrations or rioting."

Leary was followed the next day by Cassese, who praised his nominal boss (Cassese is a patrolman, but spends more time as president of the PBA than enforcing the law). Leary "would do a more commendable job if Mayor Lindsay would leave him alone. It's time to get back on the track and say, 'Policemen, enforce the law to the hilt!' " Cassese told the committee.

Mayor Lindsay and the state legislators decided that the police had ample laws on the books to control demonstrations; therefore, on August 11, Cassese said *he* would issue the guidelines Leary sought, basing them on "enforcing the law 100 per cent." The tail was wagging the dog for fair.

A day later, Cassese agreed that his 100 per cent policy would place him in "direct conflict" with Mayor Lindsay whom he charged had issued orders on several occasions to refrain from arresting looters and noisome demonstrators. Neither the Mayor nor the commissioner would comment on Cassese's usurpation of leadership. Alan Miller, a New York Civil Liberties attorney, described the conflict for a *Times* reporter: "If the police force is not responsible to political control, it has absolute autonomy. The police believe that armed force is really

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the answer. The Mayor, with a more enlightened view, thinks armed force will make things worse."

In quick time, Mayor Lindsay issued a statement praising Leary, and Leary declared that he alone ran the department, without political interference. "If there is any criticism of the department's policies, administration or operations, it should be directed toward the Police Commissioner, because he is the commander." Leary was later to harden his position, threatening any patrolman with discipline if he disobeyed a superior's orders while "100 per centing" it.

Rather than bring the PBA's fight with Commissioner Leary into the open, Cassese on August 15 released as his guidelines a pastiche of state law and departmental regulations. It was a face-saving device.

Cassese had been euchred into a position of impugning Leary's leadership because of an intramural battle between the PBA and a newly organized rightist group of policemen. The Law Enforcement Group (LEG) had been organized in August 1968 by Young Turks in the department, hard liners all, many with Birch connections and Wallace inclinations. Five weeks after it was formed, LEG's membership was city-wide, some members had assaulted a group of nine Black Panthers in a courtroom and thereby gained special public notice, and the new organization was the talk of the precinct houses. Cassese saw a potential rival, not only for members but eventually for bargaining certification. To regain the PBA's preeminent status, Cassese wanted to appear to the force to be as hard-nosed as the young conservatives. His hard nose ended a bit out of joint.

The Law Enforcement Group—so far only a New York City organization—is unusual in that it has achieved some success. In Los Angeles, a similar rightist group, formed to research "smut and communism, the twin perils to American life," withered when ranking officers quietly passed the word it was beyond the pale. In other cities, police officers have been named as members of the John Birch Society and the Ku Klux Klan, but their membership is individual, however much sympathy police may hold privately for those two organizations.

Despite Cassese's temporary setback, the political power of the police nationally is considerable. In both Cleveland and Los Angeles, police have gone directly to the ballot for pay raises or retirement benefits refused by city fathers. In Los Angeles too, the third successive bond issue for more police facilities was approved, while voters were turning down school bond measures.

In the New York state legislature last year, police lobbied successfully for repeal of a law which more closely defined justifiable homicides. A similar bill was killed in committee in California in 1967. Elsewhere police, as police, have lobbied with increasing success, their model the long effective program of the California Peace Officers Association. In legislatures, police spokesmen have found like-minded majorities, wary of bucking public sentiment that favors the police.

Law enforcement is testing its political muscle, emboldened by the easily sensed mood of a public demanding domestic tranquillity at any price. The police claim they can provide instant peace of mind—the slogan is "law and order" and until their campaign collapses in futility, they will muster ever greater support. And with that support, the police will push even harder for complete control of law enforcement.

Mugged by the Sheriffs: An Anecdote

STEPHEN H. WILDSTROM

When I was growing up in a pleasant, tree-shaded part of near-suburban Detroit, I was taught that policemen are our friends. Once a year, friendly Sergeant somebody or another from the Youth Bureau would come to a school assembly with his trained dog to teach us how to cross streets safely and show us how friendly cops were. Like most middle-class kids, I believed the line.

It was in high school that I began to doubt. I saw Bull Connor's cops do their stuff in Birmingham, but that was only on television and anyway the cops up North weren't like that. Then in the summer of 1967, I was a wire service reporter during the Detroit riot and I got a first-hand look at cops unleashed. I began to think maybe the talk I'd heard about police brutality was more than just rhetoric. My negative view of police was reinforced when I saw the Detroit police mount a cavalry charge into a group of unarmed, peaceful members of the Poor People's March last spring.

But it took the Washtenaw County (Michigan) sheriff's department to bring it all home.

In September 1968 a group of welfare mothers staged a series of demonstrations at the County Building to protest Aid to Dependent Children payments which were insufficient to buy their children school clothes. The demonstrations culminated in the arrest of more than 200 mothers and University of Michigan students. As managing editor of the *Michigan Daily*, I went over to the County Building on the second day of the protest to complain to the sheriff about the continued harassment of our reporters by his deputies.

I walked up to the door and found it guarded by a group of helmeted deputies, the same cops who had given me a hard time the day before. When I attempted to open the door, I was told I couldn't go in. I explained who I was and what I wanted and asked why a person could not enter a public building during normal business hours. "You can't go in," they repeated. When I tried

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to argue the point further, I was jumped from behind by one of the deputies, pushed face down against the concrete pavement, and generally beaten.

When they felt I had been adequately pummeled, I was handcuffed and dragged over to the jail. After a couple of hours, I was set free on bond of $25, waiting arraignment that will probably never come, on a charge of assault and battery that would be funny if someone else were the defendant.

Though I've never been a victim of a mugging—crime in the streets variety—I imagine it is a terrifying experience. But to receive the equivalent of a mugging at the hands of a duly deputized law officer is probably the most terrifying experience in modern American society.

There is no situation in which a citizen can feel more helpless than when a man with a badge lands a solid blow to his stomach, and another pushes his face into a concrete curbstone. At least when attacked by a civilian mugger, you can make an effort to fight back. To do so against a cop is to invite a charge of resisting arrest or, in most states, of assaulting an officer, which is a felony.

The incident at the County Building cost me two nights of sleep and a couple of weeks of soreness. Slowly, the terror gave way to anger—anger which turned to rage as I discovered that I had virtually no legal recourse. I decided to throw the book at the cops who beat me, but that book turned out to be exceedingly thin.

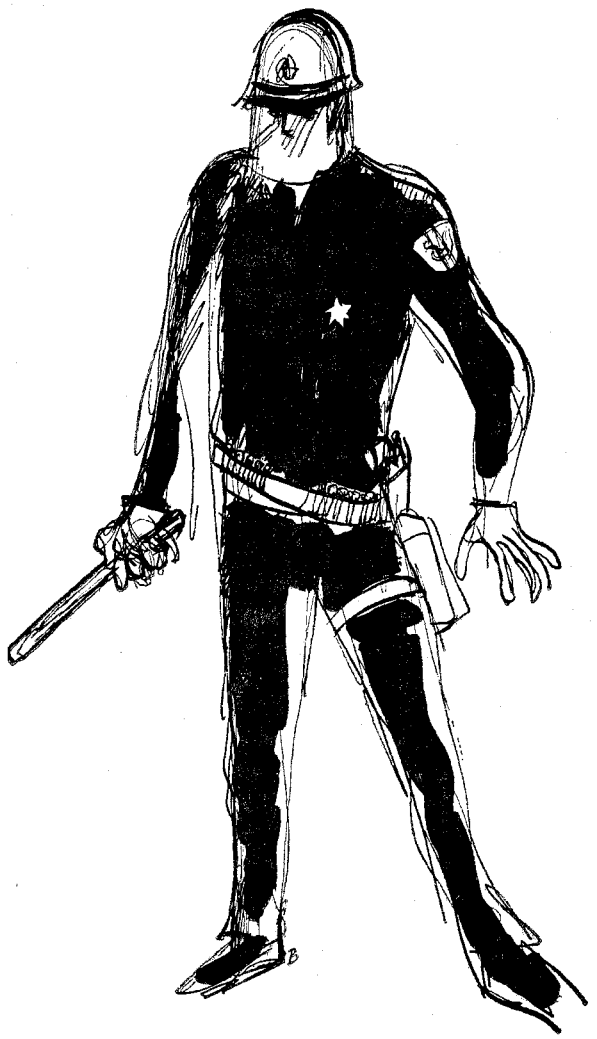
I was lucky to know the name of the ringleader of the group of deputies and to have had a good enough look at the others to identify one or two on sight. It seemed the first thing to do was to file criminal assault charges against the deputies. Naively, I filed such a complaint with the city police; it disappeared into a bureaucratic morass. Relations between the city police and the sheriff's department are none too good in Ann Arbor, but a cop is a cop and they don't like stepping on one another's jurisdictions. A citizen can't bring a complaint against another unless a State's attorney issues a warrant. So much for that angle.

Next, I was going to file a civil suit for false arrest and damages. But I was informed that no one in recent memory had won a false arrest suit in this county, and that even if I won the case legal fees would far exceed anything I could hope to collect in damages.

Finally, there is a state statute which makes it a felony to commit a legal act in an illegal manner and an obscure 19th-century federal civil rights law which makes it a misdemeanor to conspire to deprive a citizen of civil rights under color of law without due process. But conspiracy was well-nigh impossible to establish in this case, and going through the Justice Department on the federal charge seemed of very limited utility.

So here I am, still raging and still without redress. About the best I can hope for at this point is to get the still pending criminal charge against me dropped and my arrest records destroyed, thus clearing my record.

A current theory has it that urban blacks have suffered so much for so long at the hands of city cops because they are ignorant of their rights. The truth is much simpler: the citizen doesn't have any viable rights in such cases. As a white middle-class student with some background in the law, I was no better able to obtain redress than a 16-year-old black kid roughed up by cops in the ghetto.



American society will never be peaceful so long as significant portions of that society are systematically terrorized by the police. There will be no peace because, as blacks have learned and students are learning, the cops are above the law, and the only satisfying way to respond to their violence is with violence of one's own. And no matter what kind of pronouncements come down from the police brass, the terror will continue as long as individual cops are immune from attempts by citizens to make them responsible for their acts. Despite the assertions of commissioners, chiefs and mayors, police departments have proved themselves to be at best unable, and at worst unwilling, to discipline their own.

The only hope is true civilian community control of the police. Not just a police review board but a community control board which would hire and fire officers and which would have full disciplinary powers. Considering the powerful vested interests of the cops and the widespread belief in the white community that the cops are always right, that day will be a long time coming.

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Mirrors of Prejudice

WILLIAM P. BROWN

There was a time when policemen were just part of the background of the day-to-day world, when professors had very little relationship to that world, and when the members of each group had almost no awareness of the other.

Today's social disorder has brought policemen sharply to our attention, and the academic is now considered the jack of all problems. Particularly in reference to the racial crisis, policemen and professors have assumed an unprecedented importance to our society, and, in a bitter debate as to whether we are headed toward a police state or an unpoliced state, they have developed a mutually acrimonious relationship which bears significantly on our prospects for reaching any solution to that crisis.

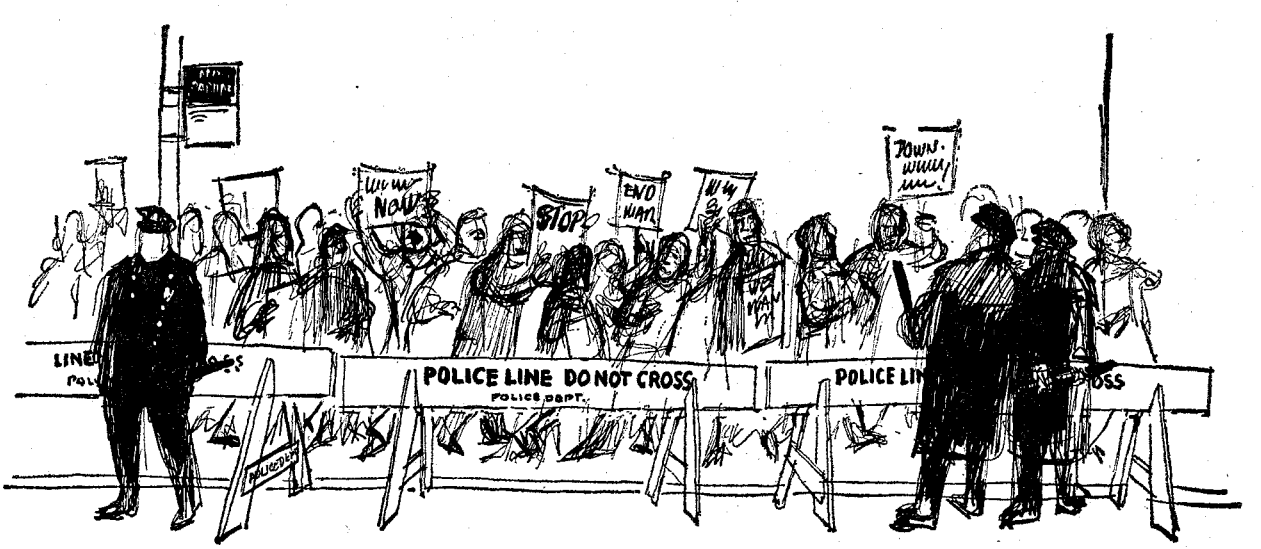
The scripts which the members of each group carry into their discussions of the disorder problems show surprising similarities, if one basic rule of the game is recognized: policemen speak only of blacks in connection with disorder and control; professors addressing the same topic speak only of policemen. Otherwise, in tone and content police views of black protesters mirror many professorial views of the police who deal with black protesters.

The policeman is worried about "Black Power." He wants "law and order" restored. He is convinced—along, incidentally, with a large percentage of the remainder of the blue-collar class—that the main reason why crime is so frighteningly rampant is that black activists have not been forced to comply with the law. More stringent enforcement, a removal of the "kid gloves," is his remedy. The academic is worried about the growth in police power. He wants "due process," as reflected in the Supreme Court restrictions on police power, fully respected. At least in conversation, he sees a wide spectrum of causation for the problems of the day, but police violence constitutes a focal point against which he can be definitely opposed. The Daniel Walker Report on the Chicago riot or the John Hersey dramatization of the Algiers Hotel incident are cited as pictures of the general pattern of police oppression, rather than as descriptions of isolated incidents. The professor is convinced that only strong repressive action against the police can preserve freedom in our time.

The actions and opinions of each group are, of course, influenced by the stereotypes its members hold. Police view blacks and professors view police with greater awareness than ever before, but in terms of brutish, cardboard-thin caricatures and unrealistic expectations. The policeman's black activist is a dangerous figure. He has replaced the Negro of pre-1960, that passive, rather subhuman member of an isolated world characterized by crime and social and personal degradation. He exudes hate rather than apathy, and he hates the policeman most of all. Black protesters are assumed to be tied to radical groups. The word radical still has more than a slight coloration of Communist, and connotes overall, centrally directed planning of illegal and subversive activities.

To the police one of the most unsettling features in the police-black relationship is that the prescriptions which they were only recently given for establishing "community relations" are hopelessly inadequate for understanding, let alone dealing with, the problems created by the black activists. The police official who has determined (somewhat late and somewhat under pressure) to be fair and impartial is now willing to accept rational discussion of objectives, the setting of boundaries and all the other devices for the control of noncriminal civilian groups which seemed to be the answer to meeting the black protest movement only a few years ago. Having accepted the model of fairness, the police seem particularly disturbed by what they regard as the unfairness of the blacks. "What do they want?" "Why do they provoke, taunt, refuse to agree to reasonable regulations?"

On the other side, the policeman envisioned by many of the more liberal and vocal professors might have been sketched out by Mark Rudd from old ACLU literature of the 1940s and 1950s. The policeman of this conception has the basic attributes of brutality and stupidity, ren-



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dered more dangerous by ignorance, insecurity and the lust for power and violent expression which led him into police work in the first place.

Just as with the newly reformed police official, the professor is enamored of simple solutions from times recently but definitely past. Like the civil libertarians of yesterday, his major answer is to stop the police from committing illegal actions. Excesses from the protest side are ignored, the general view being that their control is not really a problem, and that any effort other than to eliminate the underlying conditions which resulted in the protest is somehow authoritarian and improper.

If policemen and professors occupied less vital positions in today's conflicts, one could enumerate these congruences of view with more amusement than concern. Unfortunately, each group is important enough in shaping the outcome of current racial unrest so that what it does and what happens to it by virtue of its relationship to the issue is significant to each of us. If we recognize the importance of these relationships, we cannot fail to be deeply concerned by their recent development.

One may note, for example, that insofar as the race issue is concerned, the police are drifting into a position which, if not more isolated, is differently isolated than ever before from the forces which could most help them to adjust to "the needs" of society. The old isolation prevailed in eras when police organizations were in infrequent contact with students of society. For a variety of reasons it has been disappearing with relative rapidity.

The new isolation is, to a large extent, a recoil from pressures by the two nonblack groups which have been vocally attempting to shape the police position vis-à-vis the black protest. In both groups academics probably constitute the dominating voice. One, comprising the "human relations" specialists and most of the professors who work in the police field, appears to advocate irrelevant niceties —treat people fairly, recruit more black policemen, etc., etc. The other, comprising the courts and most of the activist professors, demands compliance to a standard of respect for individual rights which some police see as being unrealistic and placing them in an impossible position. Both groups propose restrictions rather than offer support or what the police regard as workable alternatives.

Faced with this complex of additional problems and unpalatable answers, the police have been pushed to their own councils. Here, leadership has developed from what we once thought a most unlikely source—the long-dormant police fraternal or benevolent organizations. These groups are "for the policeman." They are his unquestioning champions and today's policeman needs a champion.

If the police react to the pressures stemming from the interracial problem by withdrawing from the professional arena to the blue-collar world, the professors respond by moving in. There has been a relatively large increase in the number of university personnel teaching or researching in police-related areas. However, the largest segment of the professional chorus is made up of those from other disciplines. They are representative of the concerned, educated, vocal citizenry. A great many seek workable

answers but most seem less concerned with specific prescriptions than with complaints against injustice. They are quicker to man barricades than to seek solutions.

To what kind of a future do these trends point? Basically, it is a movement away from the fine distinctions which characterize anything like a professional approach. There is no real dialogue between the "Stop the Cop" and "Support Your Police" camps. Combine this situation on the white side with an almost secessionist hardening on the part of the black community and one sees why policemen increasingly respond to interracial incidents with anger or apathy. The anger, as in Newark and Detroit, can produce frightening results, but our police are still enough under court and administrative control so that it can be expressed only in sporadic incidents.

Apathy is another matter. It is the long-lasting adaptive response, the classic reaction of a group to what it sees as a hopeless situation. A group does not have to be apathetic in all its work; it may just effectively leave one area, in this case that dealing with social control, and concentrate on problems which have some satisfactory solutions. And of course the group, in this case the police, will never announce that it is leaving the field, or never do so officially. The thing to be feared is the existence of mass inertia in the police ranks when action in socially difficult situations is required.

Obviously, the leitmotiv of professional police apathy holds no future for our society, but what is it that we want the police to do? There is somewhat greater agreement as to the result desired than the means for achieving it. Basically, it would seem that the great need is for the police to achieve a relationship wherein they serve and do not control the black members of the community. Only when this happens does it seem likely that the black ghetto will lose its semblance to a conquered territory in which the police are the occupying troops.

We know most of the answers in terms of attitude changes and of practical working devices which could help the police to gain this recognition. We know that they must come to realize that they face situations in which, in contrast to the Western sheriff model which has always characterized their own image of their work, they are not

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expected to emerge immediately victorious or die trying. They must also recognize that the high standard of individual rights which the Supreme Court has enunciated is not just an impediment to their work but actually a call for a higher standard of work which will bring with it social recognition that they are performing at a higher professional level.

The need is for the police to remain calm, to be fair, to bring in the black policemen as co-professionals, to serve rather than to control the black communities, to meet a standard of performance under difficulties which we could not even have visualized a few years ago. Above all, they must develop a faith that if they do perform at this level, they will eventually win the support that can make their future job possible.

It is not at all certain that our police can make such an adjustment. If they do, it will require positive action by the professors in both the camps which have been described. For those of us who conduct our research and teaching in areas allied to police problems, there is a need to get away from small, segmented bits of information and into the kinds of knowledge that can enable the police of a given city to meet their problems with their resources. We can no longer stop at the level of just telling our policemen the rules of law, the rights of individuals and our own views as to the treatment that should be accorded people recently emerged from subjugation. These are the easy things to speak about but they are obviously only part of the answer.

The police administrator can accept such injunctions without difficulty, but he must ask the more difficult questions of how one deals with political realities, how one controls the police themselves in trying to effectuate a humane and yet practical policy of enforcement in such delicate areas as those involving race relations. How does a policeman hold to an image of enforcing the law when people resist or when they break the law for what they allege to be (and what may widely be accepted as) highly creditable motives? What about the people who participate in such activities from far less noble impulses, but who cannot be distinguished from those others? In very crude form, how does one distinguish between sufficient policing and the kind of policing that tends to emerge when shotguns and riot helmets are the equipment of the day?

Then, there are the other professors, those whose fields are not directly related to police activities. Their interest is and should be that of the informed and responsible members of the community. For them the prescription seems simple, even if it works some violence on the currently dominant professorial ideology. It is for controlled observation, analysis, decision on merits, and action supportive of good practice in place of the easy assumption that protesters are always right, police always wrong. It calls for academic cooperation with other citizens, in finding facts and weighing them; for work toward reshaping a sound, ethical and supported police practice.

Such action has the great additional value that it can alleviate the inefficiencies and inequities that are strewn through our local police systems. These weaknesses were not created in support of prejudice; they are not tied to controversial intellectual issues, nor do they demand great professional expertise to comprehend or to improve. They may involve archaic practices that linger because nobody has discontinued them, or the petty corruption which the police are powerless to stop because of local political control. The need is to find out what is happening and to support proper action. Such action is in no way inconsistent with supporting the legitimate objectives of protest or other disadvantaged groups. It tends, in fact, to make such assistance meaningful and maximally effective. It represents, in its way, the growth from adolescent protest to adult responsibility, and in these times we need adult professors and policemen.

Black Crime, Black Victims

ROBERT PEARMAN

Michael Theodore Altschul, 18, was the kind of young man that the people of Kansas City could admire and understand. Intelligent and good-looking, he was a freshman at the University of Missouri at Kansas City with a night job in a drugstore at the posh Country Club Plaza shopping district. Michael made a habit of hitchhiking, however, and was doing so on the night of February 3, when a verbal exchange with the occupants of an automobile developed into a fist fight. He was winning the fight in spite of 3-to-1 odds until he found himself looking into the barrel of a .38-caliber revolver. Altschul ran, tried to escape by getting into passing cars; but the drivers, not understanding, locked their doors. Slowly he turned, as if resigned to his fate, and the man calmly shot him in the chest from a distance of about 6 feet.

The next morning the story of the murder was on page 1 of the newspaper. The city was indignant. The Kansas City Crime Commission established a reward fund with an initial contribution of $500. "It was like killing the nicest guy in the world," a girl classmate said of Michael.

Police set vigorously to work to find the killers. On the night of the murder alone they questioned twenty-five persons. Witnesses who had been at the busy intersection where the shooting occurred gave descriptions of the assailants and stood ready to cooperate with the police and prosecuting attorney.

Three days later four men were arrested. All four were charged with first degree murder although only one of them could have fired the fatal shot, and one of them, driving the car, had not even participated in the fight. But Joseph P. Teasdale, Jackson County prosecutor, pointed out that under Missouri law all persons involved in a con-

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spiracy to assault a person can be considered guilty of murder if anyone in the group takes the person's life. A month later Teasdale dropped all charges against three of the four men because, he said, there was no evidence that they had anything to do with firing the murder weapon.

Six weeks before the death of Michael Altschul another young man died in Kansas City under circumstances that were not entirely dissimilar. But Donald Keith Cowens, Jr., 19, was another kind of Kansas City youth. He was black, and three months before he was killed he had been arrested for possession of a fire bomb. On the night Cowens was fatally shot, he was attending a Saturday night dance at a poverty program neighborhood center. An argument developed and when he stepped outside someone shot him in the forehead.

The story of the attack did not appear in the newspaper, but when Cowens died the next day a report ran on page 3. However, there was no outcry of indignation in the black community or the white, and no one offered a reward. Police arrested a 17-year-old boy and said they found a .22-caliber revolver in his car. But Teasdale said there was not sufficient evidence against him to bring charges. There were seventy-five persons at the dance, but all of them were somehow looking in other directions when the shot was fired. The suspect was released and the case entered that limbo common in all major American cities. The police marked the case closed, "cleared by arrest." But no one had been charged with Donald Cowens' murder, nor is anyone likely to be.

In these contrasting two cases there is an object example of perhaps the most costly, and most often overlooked problem in the policing of the ghetto—the deficiencies of investigation, public interest, public cooperation and prosecution. They are to be found in every major American city, running parallel with high crime rates, abortive prosecution and danger for the people who, by choice or circumstance, live within the community.

In Kansas City, robbery rates, both armed and strong arm, are three times as high in a predominantly Negro district as in a South Side, mostly white, district. There are three times as many assaults, and there are more burglaries although there is less to steal. But what the public fails to recognize is that in these crimes, mostly committed by Negroes, the victims are also Negro. To be a frequent victim is the price of living in the ghetto.

Back in the 1930s, the era of Bonnie and Clyde and Pretty Boy Floyd, Kansas City had a name for being a tough and lawless town. Years of reform have dimmed the stigma, yet 1968 was probably the bloodiest year in the city's history, even surpassing 1933 when Floyd and company killed five persons before breakfast at the Union Station.

There were 108 homicides in Kansas City last year, most of them attracting little public notice. Seventy-three victims—67 per cent—were Negro, although the Negro population of the city runs about 20 per cent. Most of the Negro victims died at the hands of other Negroes.

In Wilmington, Del., a black-owned shopping center shut down just one year after opening. The insurance was canceled when the place was broken into for the sixteenth time in one year. "I've spent $6,000 alone just to fix busted windows," said Harry H. Young, Jr., one of the proprietors. "The residents wanted to help, but young hoodlums, most of them under 18, wouldn't give us a break. They pushed and shoved the customers and broke into their cars. I'm closing the entire shopping center. It's all over. There is no other way."

The belief of the National Association for the Advancement of Colored People that Harlem residents are the victims of violent crimes far more frequently than are the residents elsewhere in New York City is borne out by police statistics. For example, the 107,000 people living in the 32nd Precinct in northern Harlem, reported twenty-nine murders, 2,156 robberies and 901 felonious assaults in the first eight months of 1968.

The New York branch of the NAACP has issued a report stating that Harlem's Negro merchants, alarmed by the rise of crime and violence by blacks against blacks, have demanded that the police tactical force be assigned to all Harlem precincts and that drug addicts be driven from the streets. They asked for a minimum term of thirty years for those convicted of first degree murder (instead of the present fifteen years) and for stern mandatory sentences for muggers and narcotics pushers.

Homer Bigart of *The New York Times* looked into the inner workings of Harlem crime and reported that, contrary to widespread assumption, black shopkeepers have been victimized as often as whites and that no "code" spares a "soul brother's" establishment.

Merchandise stolen from Harlem merchants is often sold on the same street in the same day. The Rev. Robert L. Pruitt, pastor of the Metropolitan African Methodist Episcopal church described the problem:

"I could show you men carrying bundles of stolen goods into any barber shop and peddling them to the customers."

"The Inner City," reported President Johnson's Commission on Law Enforcement and the Administration of Justice, "has always been hard on whoever is living in it. . . . Not long ago there was a tendency to dismiss reports on all but the most serious offenses in slum

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areas and segregated minority group districts. They were left to take care of their own problems. The ghetto, the very neighborhood that needs protection most, is often explosive. There is much distrust, especially among boys and young men . . . the people the police most often deal with."

It is generally accepted that there are fewer solutions, less prosecution and shorter sentences for crimes committed by Negroes against other Negroes. The question is why. Are the police unable, or unwilling, to apply to the ghetto the standards they observe elsewhere?

"The problem," says Rep. Harold Holliday, a Negro member of the Missouri legislature, "is that people tend to spend time and energy on things they think are important. And the police don't think that crime in our neighborhood is important. I recall one case where a pharmacy was robbed. The owner came into magistrate court and made a positive identification of the accused. About two months later he saw this man on the street again. He called the prosecutor's office and was told that the case had been dismissed for lack of evidence."

In another recent case Holliday recalls, a woman heard two men trying to gain entry into her house. She called police and they arrived in time to catch the two men still trying to break in. They took the men away, but did not even pause to question the intended victim, to get her name, or her statement for prosecution.

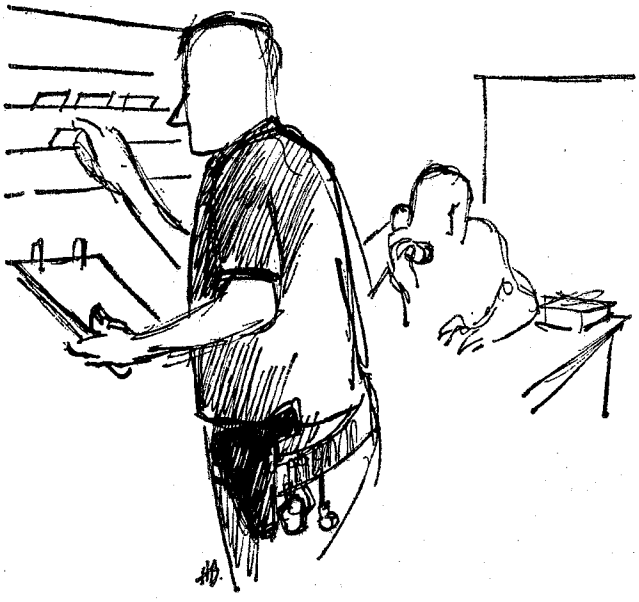
In Kansas City, Kan., across the state line, experiences are similar. "We feel that there is a difference in the prosecution," says Rev. Sethard Beverly, Negro minister and civil rights leader; "and that makes one suspect that there is graft on one hand and just a lack of concern on the other."

But the cries of moderate Negro leaders for better police protection are tempered with ambivalence. "We want strong police protection, but humane police protection," says the Reverend Beverly, who suggests that one answer is more black policemen. Holliday believes that the Negro community must, in part, be to blame. "It is not entirely a problem of law-enforcement officers," he said. "Our community has to accept some of the responsibility for its lack of cooperation in the investigation and prosecution of crimes."

Kansas City police chief Clarence M. Kelley, a former Federal Bureau of Investigation agent and now a target of the Black Panthers and other Negro militants, rejects the double-standard thesis, while to a degree admitting its existence by implication: "I would say that we probably get more goading from the white community than the black community and it's a fact of life that when someone complains you are going to do more," Kelley said.

Kelley doesn't believe that there is any conscious lessening of effort on the part of his officers because of race or economic status of the victim. But what might have an effect, he concedes, is a feeling among them of "Well what's the use, this can just cause me trouble. Our officers are willing to enforce the law anywhere but there is always the threat that the victim either won't prosecute or that the officer himself will be charged with misconduct."

The much harassed Kansas City police chief—the



militants have challenged him to a duel to the death, choosing as their weapon Chemical MACE at 40 paces—finds deep disappointment in the fact that Negro businessmen and moderate leaders, themselves often victims of crime, do not step forward with a plea for good law enforcement. "I get a lot of demands for more black officers, and we are trying to recruit them; but I have not had any neighborhood councils or Negro merchants up here asking for protection or enforcement."

Dr. Girard T. Bryant, a Negro member of the Kansas City Board of Police Commissioners, agrees with the chief that there is basically no difference in the way officers set about to solve crimes against black victims and white victims. "They may be a little indifferent, and once a report is taken it may be forgotten, but I have a sneaking suspicion they do that to whites, too. The truth of the matter is that if the police don't have somebody on their back, chances are they forget about it and go on to something else."

To Dr. Bryant, checking the ghetto crime wave is a "package deal" involving well-trained police who do their duty, prosecutors who see to it that those accused of crimes are prosecuted, and prisons with the capacity to incarcerate and rehabilitate those sent into them.

Twenty of the seventy-three Negro homicides in 1968 were committed within the shadows of the Wayne Miner court, Kansas City's high-rise public housing project. A three-man committee appointed by Mayor Ilus W. Davis to study the problems of the project charged lack of protection for the citizens.

Everett P. O'Neal, a Negro businessman who has himself suffered much from robbery, has built a successful black guard service in Kansas City out of the need of the professional men and businesses operating in the ghetto for protection. "We have about forty clients," O'Neal said. "Our guards are employed at the Wayne Miner public housing project. We have been employed by the public schools. We work for the doctors, for the banks, for the stores. We protect the dances at the YMCA." O'Neal guards in plain clothing may be found waiting inconspicu-

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ously in the waiting rooms of doctors' offices. They are armed with pistols, MACE and handcuffs.

O'Neal fears that crime may be a real deterrent to the success of President Nixon's goals of black capitalism. An embryo Negro business, with shaky capital, trying to get started, can be wiped out by a robbery, he points out. And such robberies are sure to come. "The black businessman is . . . more susceptible to being robbed than a businessman in other parts of the city. It makes it very difficult."

One obstacle to maintaining equal standards of law enforcement and prosecution is the reluctance of witnesses to talk to police or later to testify in court. At Wayne Miner, for instance, the people know just what and when and where something has happened, but they are intimidated by other people in the project and will not talk, the guard service operator asserts.

Police report a growing reluctance of Negro witnesses to talk with them after a crime. One veteran detective, who recalls that he used to question witnesses freely and take statements in the black community, says: "Now they say 'I just don't want to get involved.' Sometimes they wait until I'm back at headquarters and then call me and tell me what happened. But they want to stay out of it."

Clifford Spottsville, first assistant Jackson County prosecutor and a Negro, sees the same reluctance when witnesses are brought into court. There have, he said, been several cases where threats to witnesses were made clear. The ghetto has become an increasingly dangerous place to live. Black former convicts, on parole, openly carry guns with full knowledge that to be caught means a return to prison. Says Arthur Jenkins, a homicide detective: "This man, whom I've known a long time, told me, 'Arthur, I know I'm in trouble but I don't dare come out on the street without one. I'd be killed.' "

The police dog, once the symbol of oppression during Negro rights demonstrations, is now often used by ghetto citizens to protect themselves. A 26-year-old girl, whose father is an Army colonel and who has a master's degree from Columbia University, lives in Kansas City, Kan., and keeps a dog for protection. The problem of crime constricts her freedom. After dark she is a prisoner in her own home. She would not think of walking alone in the neighborhood, or even of sitting on the front porch. Her church has been robbed three times in nine months.

Many Negroes blame their own communities for the burglary problem. The tradition of commerce on the street, buy it from a man and no questions asked, makes the fence's life remarkably simple. And, of course, most often the item was stolen from another black man.

It was in the riots of last spring, when buildings were burning in the Kansas City ghetto and National Guardsmen and police were firing at real and imaginary snipers on the rooftops, that the real disparity became manifest. The people who wanted protection from the rioters and looters didn't find it. White commercial interests outside the ghetto were well and successfully guarded. "We felt we were all being contained to destroy ourselves," Mrs. Samantha Cunningham angrily told a reporter. "Aren't the police supposed to protect me too?"

Herman Johnson, president of the Greater Kansas City chapter of the National Association for the Advancement of Colored People, takes a similar view: "A net was thrown around the community and the attitude was: whatever happens within it, so what? The police should have come in and got those who were doing it and protected the rest."

The attitude that it's not really a crime if it happens "down there," lingers in Kansas City. It lingers with individual members, if not with the leadership, of the police department; it is occasionally seen on the bench of the magistrate courts; it persists with the media, and is the prevailing attitude of the white community. The result is a remarkable attitude of indifference, while the city becomes increasingly bloody and violent—with more guns and more shoot-outs than there ever were in the cowtown era, more murder than in the gangster years of the 1930s.

The Friendly Fuzz

ALVIN A ROSENFELD

Though Police Chief Thomas Cahill was initially opposed to the idea, the San Francisco Police Department in 1962 formed a Community Relations Division to meet the rising pressures of the civil rights movement. Lieut. Dante Andreotti, then on the night desk at Central Station, was named its head. With few prior experiments to draw upon, Andreotti developed his own approach to the problem. He sent his men into the communities, told them to roll up their sleeves and play an active role in community life. He felt the aim of his unit should be to combat the causes of criminality, the joblessness, the homelessness, the physical and spiritual poverty, and the frustrations they created in minority communities.

A report prepared for the President's crime commission lauded the unit for opening "new communications channels with community segments never before considered 'reachable.' " The *Spokesman*, a newspaper in predominantly black Hunter's Point, praised the Community Relations Department:

> Never since the mythical "cop on the beat" stories have policemen (those of this unit) gained an almost unique respect. A respect gained not by their firearms, nor by tough words, nor by alleged brutality, nor because they were merely jolly, nor because they were Irish, but because they are human beings. . . . It's just that as a unit, and as a purpose, Police Community Relations have been rebuilding the image of the policeman as a person versus the faceless cop so often associated with ghettos and the inner city. It's not a job to envy, but a job that every other policeman should be thankful for.

Police by tradition concentrate on the apprehension of

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criminals, ignoring almost completely the prevention of crime. However, the potential value of a progressive police-community relations (PCR) program is intricately entwined with the goal of reducing crime by attacking a major source of police-community hostility—the black man's and the poor man's exclusion from the mainstream of American life. Observing the size of the problem, many feel that PCR can do little more than keep the patient alive until the doctor arrives. While there is some truth in that pessimistic point of view, the San Francisco experiment has shown that, though it can't alter the entire department's image overnight, a dedicated police unit of this sort can at least make the "outsiders" realize that there are some officers who care about them. By helping people to find jobs, housing, education, etc., such a program can make tangible contributions to the overall effort.

A progressive police-community relations department can help to ease the abrasive contacts between police and citizens if it has the support of high police officials. They have the authority to advance policemen on the basis of appropriate behavior and community respect, as well as for a good arrest record. Los Angeles improved police-community relations when Police Chief Thomas Reddin declared that any officer addressing minority group members with derogatory language would be severely punished. However, if improvement is to be more than superficial, the average patrolman must be convinced that better relations are in his interest, since as James Q. Wilson observes in *Varieties of Police Behavior*: "The police department has the special property . . . that within it discretion increases as one moves down the hierarchy." It is the policeman on the street whose behavior is most significant to the community, yet his actions are the most difficult to control.

Andreotti was "green" at the outset. He has said (*Fortune*, January 1968): "I had no ideas, no background, no experience. I learned about community relations from the people in the streets, and I am glad for what they taught me."

Central to Andreotti's program was the PCR officer. He was to be part of the community structure, regarded as a friend rather than as an agent from the outside.

Andreotti declared before a police administrators' conference in 1966: "A Police Community Relations program can bring about dramatic changes in attitude on the part of the community and the police because it invariably brings them together in a discussion of mutual problems. Let me say this is a total community problem and the police should lead the way in awakening society to other factors causing our crime problems." In his opinion the police were to lead the way not just follow where others led. Since police departments are overwhelmingly conservative, this vision was probably unrealistic for the department as a whole.

However, the approach worked marvelously for the San Francisco Police Community Relations Department. The unit's men performed a myriad of functions. Open meetings were held in the community to hear suggestions and grievances. PCR men attended other community meetings, including those of the Black Muslims and the Black Panthers. They held dances, parties, movies and sports events for ghetto youths. To help people get jobs, they interpreted police records to potential employers. One PCR man helped 200 people find work in a single six-month period. Andreotti's men encouraged local, self-help organizations. Ghetto residents were directed to legal aid associations and were guided in dealings with the city's bureaucracy. Funds were raised to help local organizations. The city was persuaded to make improvements in the ghetto. According to ghetto residents, the unit was fair in the handling of citizen complaints about police misbehavior. For these reasons the men gained "an almost unique respect," being named by the community the "friendly fuzz."

As in any other organization, there were differences of opinion. While some of the men were wholehearted about Andreotti's approach, others—predominantly the older, white men—approved of it, went along, but could never be thought of as emotionally committed. What were the committed officers like? Why were they there and what did they want?

"Black mothers tell their kids that if they become cops, they shouldn't come home," said one of the PCR officers. Why had the black men joined the police force? The major reason was financial necessity combined with the security that civil service affords. Most of the men had been on the force for some time before being detailed to the PCR. These were men who had distinguished themselves by refusing to observe silently abusive treatment of black people, and thus be accepted as "one of the boys." One officer related: "No one was about to beat a black man while I was around. . . . I once saw a cop punch a black kid at Park Station. I spoke up and that sort of stuff ended, though all the cops stopped speaking to me."

Some of the younger officers had joined the force because they felt that since the police department "is the most hated and despicable institution, it must be subverted from within." Older black officers now detailed to the PCR unit concur, though they are less optimistic about the chance of success. This group of men is unwilling to present the image of internal unity the department strives so hard to create. One of them has said:

> Some of the policemen in the San Francisco police department are clear and distinct racists, the type who would be prime Nazi material. . . . Changing racial attitudes of a bigot is fairly impossible. . . . We're not concerned with how the average policeman thinks, but with how he acts. If a cop does something wrong we want him punished so neither he nor his buddies will do it again. That's the most we can do. . . . A lot of friction is of our own doing because we don't like them and we're not about to. There are a number of men in the department that I would immediately fire. There are others that I would put in jail because I know what they have done and that is where they belong. That's not politically realistic, however.

Such opinions did not endear the PCR to the rank-and-file officers. Policemen tend to be conventional, appalled by abnormal behavior and rebellions against authority; but the PCR department was overwhelmingly liberal and worked with the poorest black people, as well as

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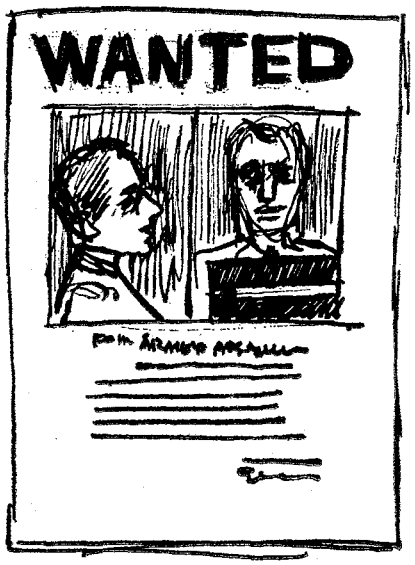


with hippies, teen-age gangs, homosexuals, militants and the like. Some regular officers called the unit the "Commie Relations" department. On the other hand, every rumor that one of these dedicated men was to be removed from his position produced a vehement outcry from the community. Thus Chief Cahill had a problem: the black neighborhoods were delighted with his Community Relations program, yet his own department abhorred it.

Chief Cahill is a product of this country's long history of Irish policemen. He has not been sympathetic to the new demands being placed on officers. In contrast to Andreotti, Cahill saw no "vanguard" role for police: "The police cannot become social workers or educators. They do not have the time, nor should they be expected to take on the obligation of the rest of the community. Community relations is a task and responsibility for the total community, including the police."

Cahill considers the demand that policemen become "street-corner sociologists" unreasonable. While he does see a place for a PCR program, his view of its role differs greatly from that of the man he put in charge of San Francisco's unit. "Good community relations," he said, "can double the effectiveness of a police force, while bad community relations can give a police department a problem that doubling its force won't help." In short, Chief Cahill regarded his Community Relations program as a means to make the police more effective by insuring that the apprehension of criminals would not be impeded by the ill will of the people.

Though Cahill did not comply with Andreotti's every request, until the fall of 1966 he put few impediments in the lieutenant's path. Since the city had been riot-free, Cahill was loath to tamper with the program he thought had contributed to that tranquillity. But in September 1966 a riot broke out in Hunter's Point after a black youth was killed by a police officer. The Community Relations unit was widely credited with a major role in containing the disorder, though it was called in only after three days of rioting. Compared with those elsewhere, the riot was mild, with no loss of life and minimal property damage.

But Cahill did not regard the situation with equanimity. "About a week after the riot," Andreotti is quoted by *Fortune*, "Cahill said to me, 'I'll know how to handle the situation next time. After all I did for those people. I was the only police chief in America without a riot. They spoiled my record.' I told him, 'You ought to be damn glad you had a good community relations program going. . . . No community relations program is a guarantee against a riot, but it can take the sting out of one!' "

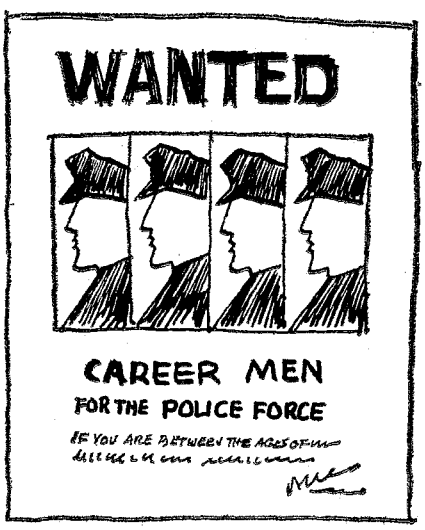
After the riot, Andreotti realized that Cahill no longer supported his program. In August 1967 he retired from the San Francisco police department to take a position with the Community Relations Service of the U.S. Justice Department. He left out of despair, not for personal advancement.

The change in Cahill's attitude was not lost upon the black community. Tom Flemming of the *Sun Reporter*, another of San Francisco's black newspapers, wrote that Chief Cahill

> described police-community relations as a "secondary function," which clearly shows his attitude towards the matter. He went on to point out that police-community relations should concern itself with "crowd control and riot prevention." . . . [This] is a very enlightening statement when you compare it with the thoughts of Andreotti, who felt that the proper concept of the Police Community Relations Division was the dissolution of ghettos and injustice.

Lieut. Gus Bruneman, ex-head of the Canine Corps, was appointed as Andreotti's replacement. His one qualification for community relations was a sincere interest in the Police Athletic League. Many regarded the appointment as absurd and offensive. Within a few months of Andreotti's retirement, four of the unit's six black officers resigned. In April 1968, Captain Lingafelter, Captain of Inspectors, was given Bruneman's job in addition to his own. This proved too heavy a load, and Lieut. William Osterloh was appointed to replace Lingafelter. The men in PCR who were not committed to the Andreotti approach were unshaken by these events, but a few of the officers who stayed were joined by some new black members of the unit in missing Andreotti's lead.

Though this latter group has continued to use his meth-



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ods, their disappointment and frustration is growing. Since Andreotti's departure their convictions about police-community relations have not been shared even by the head of their own department, not to mention Cahill or the policeman on the beat. A clandestine spirit envelops their enterprises; they refuse to talk in elevators, lest anyone overhear their "aberrant" ideas.

They have attempted to embarrass the police department into approving their stance. For example, since they felt that black policemen lacked effective spokesmen within the Police Association (a body that is supposed to represent the interests of all policemen), twenty black officers, spearheaded by members of PCR, petitioned Chief Cahill for permission to form their own organization, Officers for Justice. They quickly made their letter to the chief public. Among the reasons for forming the new organization were the convictions that black policemen were denied adequate opportunities for advancement, that there was a strong stain of racism in the police department, and that officers, black or white, who took issue with the views of the Police Association were "openly denounced by the Association's station representatives. This not only reflects racism but indicates a complete lack of concern for the citizenry. . . ." As evidence of their charges, the officers stated that the Police Association attorney had "never defended a black policeman . . . even though help had been requested."

The frustration is even more overt in a letter rumored to have been written by a member of PCR. It circulated in August 1968 and was headed "Who needs a Police Community Relations Unit?" The letter ends:

> The effectiveness of the PCR unit is dwindling, it is being threatened from all sides. . . . If significant changes aren't promptly made, I see no need for a San Francisco PCR unit. Instead, day watch police personnel, with their patched and torn blue dirty-grey uniforms, protruding beer bellies and red faces can do the job.

Several actions by the police department's officialdom have led to this cynicism. Though they perform a service which the crime commission felt should be entrusted only to the best and most highly trained police officers, the PCR men, other than Lieutenant Osterloh and three sergeants, remain at the lowest level of police officers. When Andreotti asked that the men's general rank be raised (thereby increasing their pay and status), Cahill exposed his priorities by stating that "they weren't qualified. They didn't investigate and they didn't arrest people."

Many PCR officers regard their position as precarious, since they are "detailed" and not "transferred" to the unit. They are continually being restrained by new orders. They feel that they are allowed too little overtime pay to cover the many night meetings they attend, even though other officers are entitled to eight hours' overtime a week. They are now required to call in every two hours to report their activities. The unit can no longer help citizens with writing and filing complaints. Most of the men resent this, since it is well known that they were relieved of the task because they were too sympathetic to the citizens' viewpoints.

Most important, they are angered because Cahill disregards the sincere suggestions they bring him from the community. They recommended that San Francisco follow the lead of several other cities by introducing psychological testing to prevent people emotionally unfit for police service from joining the department. Cahill has refused. They suggested that Cahill issue an order forbidding policemen the use of deprecatory language toward minorities. As an ex-San Francisco PCR officer wrote in the syllabus of his course in community relations for policemen (which failed because the men were openly hostile), "A Negro would rather be called an s.o.b. than a nigger." As of last summer, Police Chief Cahill had issued no such order.

Some of the unit's men have college degrees; most of them have had some college education. Every day they deal with San Francisco's political, social and economic leaders, as well as with its poor people. Eventually, the unit's liberals, especially the better-schooled men, get offers of well-paying, higher-status positions. Two members of the unit think of leaving next fall to enter law school. By its indifference and hostility, the San Francisco police department has created a stepping stone to advancement from what used to be a meaningful position. Rather than allowing the men whom the communities regard as the cream to rise, the department is washing them away.

Andreotti's approach to police-community relations issues is all but dead in San Francisco. Was the PCR unit good enough to warrant grief over its passing? Though few criteria exist to evaluate this sort of program, it is interesting to examine the San Francisco unit by the standards of the Kerner commission.

The Kerner report praised the Atlanta police department's Crime Prevention Bureau as "successful" for establishing

> a good relationship with the community, particularly with the young people. It has concentrated on social services, persuading almost 600 dropouts to return to school, assisting some 250 hardship cases with food and work, arranging for dances and hydrant showers during the summer, working quickly and closely with families of missing persons. The result is a close rapport with the community and recruits for the department.

No one doubts that the San Francisco unit did this and much more under Andreotti. Until late 1966 it was *the* PCR program in America. By Kerner report standards it must be judged as brilliantly successful.

Lieut. William Osterloh, the unit's new commanding officer, is an educated man who has been affiliated with the University of California's School of Criminology. He helped prepare some of the crime commission's task force reports. Though he is attacked for "preoccupation with organization" and "constant overintellectualization," few doubt his honesty and sincerity. He wants to school the department, starting with its higher officials, in the importance of community relations. If he did convince the rest of the department, he would make an immense contribution toward better police-community relations. But since San Francisco Mayor Joseph Alioto has been reluctant to battle Police Chief Cahill over the issue of the PCR's role (though he publicly supports a more active

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program), most people familiar with the San Francisco scene are certain Osterloh will fail.

Thomas Cahill was the only police chief in America to sit on the President's crime commission. It is appropriate, therefore, to compare the present San Francisco experience with the crime commission's guidelines for a good PCR program.

The commission felt that ". . . a police community relations program is one of the most important functions of any police department in a community with a substantial minority population." Since the Hunter's Point riot, community relations has been regarded as a "secondary" police function in San Francisco. The commission further stated: "Community relations . . . must play a part in the selection, training, deployment and promotion of personnel; in the execution of field procedures; in staff policy making and planning; in the enforcement of departmental discipline, and in the handling of citizen complaints." Chief Cahill never accepted PCR suggestions of steps to relax police-community relations. He has even taken the "complaint assistance" role away from the department. Rather than accepting the advice of men well respected in minority communities, Chief Cahill has yielded to the prejudices of the police department's majority.

By refusing to "rock the boat" Cahill has failed to incorporate the commission's next suggestion as well:

> The needs of good community relations and of effective law enforcement will not necessarily be identical at all times. For example . . . imposing harsh penalties on officers who verbally abuse minority groups could temporarily depress departmental morale. . . . While immediate law enforcement considerations may take precedence, it should be remembered that sound community relations are, in the long run, essential to effective law enforcement.

The commission went on to give another recommendation:

> Improving community relations involves not only instituting programs and changing procedures and practices, but re-examining fundamental attitudes. The police will have to learn to listen patiently and understandingly to people who are openly critical of them or hostile to them, since those people are precisely the ones with whom relations need to be improved. Quite evidently, it is not easy for a man who was brought up to obey the law and to respect law enforcement officers to maintain his poise and equanimity when he is denounced, sneered at or threatened. However policemen must do just that if police-citizen relations on the street are to become person-to-person encounters rather than the black-versus-white, oppressed-versus-oppressor confrontations they too often are.

It was in the San Francisco Police Community Relations Department under Dante Andreotti that this concept first became a reality. At least within that unit police-citizen contacts were truly human. But since the group that opened "new communications channels with community segments never before considered 'reachable'" was then emasculated by its own parent organization, what hope exists for PCR units in other cities?

Going by the Book

HILLARD J. TRUBITT

Within the past few years a mood of criticism and vituperation against the police has been common in the country. Though police traditionalists might consider it heresy, I would concede that the bulk of the complaints are probably sound. But I would also submit that many of the problems people profess to see with the police are in reality problems of government generally, and of local city government in particular. To be sure, some irritating behavior patterns are peculiar to the police; but police intransigence is matched, indeed validated, by the equally obtuse behavior of nonpolice governmental bureaucracies.

The apparent inability or unwillingness for police to alter their traditional organizational patterns is matched, even encouraged, by a similar lassitude in city government generally. Tradition-oriented departments of all descriptions seem to delight in holding the line on their domains, extending them into new work opportunities only when they perceive a marked advantage from such a move. Functional reorganization does not occur very often, and when it does it represents a radical departure from former practice. There are reasons, human reasons, for this; many vested interests develop over the years of *status quo*. In an affluent society, which is somewhat hedonistic, it becomes increasingly difficult to get people to work nights or at other "unpopular" hours. Employees, police and others, have built up life patterns which correlate with the present-day schedules. Any change, even one which would work to the social benefit of the employees, will be resisted and resented.

An example of this among the police is the adherence to work schedules that are recognized to be archaic and debilitating. The 8 A.M. to 4 P.M.; 4 P.M. to 12 P.M.; 12 P.M. to 8 A.M. shifts do not necessarily correlate with crime and incident patterns in our cities, but it has been in operation for many years and is mulishly retained. The weekly rotation pattern still in use in the East is known to be physiologically taxing, but is clung to from custom.

Lest one conclude, however, that the police are exceptional in their devotion to "form" as distinct from substance, it must be pointed out that one does not often see innovations in the general working hours of City Halls. Despite the expressed concern for "bringing the government closer to the people," the business hours of city offices are rarely adjusted to permit workingmen to consult with officials without taking time from their jobs. The "store-front complaint offices" and other neighborhood

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"listening posts" are a laudatory move toward closer association with the public, but these outlets are often not adequately staffed or maintained. Many are temporary affairs, established to avert long hot summers, and vanishing after Labor Day. This is a very partial answer to civic needs, but aside from such outposts, created in response to intense pressure from anti-poverty or inner-city groups, what else has there been? How many City Halls or other governmental offices are regularly open at hours other than 9 to 5, Monday through Friday?

In this situation, the police, who must be open around the clock, have come to represent local government to the inner city. Regardless of whether the police arrive only in response to complaints or initiate police action themselves, they are *there* and visible after 5 P.M. and on weekends. The enthusiastic reception of community action or the various OEO-sponsored activities is vivid testimony to the failure of traditional government offices to meet an obvious need—simply to be available when and where convenient to the consumer.

The fact is that the police in a community, be they good, bad or indifferent, be they modern or traditional in their tactics and hardware, are usually mirrors of the entire local governmental approach to city problems. It is true that the police traditionally rely on so-called old, established methodology and doctrine which often do not solve contemporary problems. But they are no worse, and often they are much better, than their parent governmental entities who can be criticized for the very same defects. The principal defect is a total failure to perceive the difference between *form* and *substance*.

One of the attributes of our legal and governmental system is a high regard for procedural regularity. Without deprecating the obvious historical need for establishing specific procedures, one must recognize that it is easy for any organization to become enslaved to procedural form, losing sight of the objectives for which it was created in the first place. This is the mental set which afflicts librarians who see libraries as a place for the proper shelving of books.

Much has been written recently about the inadequacies of our so-called criminal justice system, this being the police, the prosecutive authority, the courts and the various correctional or rehabilitative facilities. Each component, since it is part of the very process of law, is sensitive to the dictates of regularity and the minuscule details of procedure. This deep concern with form is enforced both by the nature of bureaucracy and by the particular history of the Anglo-American legal system, which is great because it forged a procedural method which isolated issues and made resolution of specific cases possible. Every legal system will have a body of procedures, but one of the peculiarities of the Anglo-American system is its extreme reliance on procedure. Any student of legal history can recite the pitfalls and frustrations created by the "writ system," but this punctiliousness toward detail has become engrained into our legal system and into the government agencies that run it.

This heritage has been carefully engrained in the police. Rules formulated for the conduct of police business, originally enacted to restrain unfettered police action, have become ends in themselves. Many police procedures and actions are followed simply because they are "in the book." All the petty tyrannies of officialdom which form the basis of complaints against the police establishment today are reflections of this unthinking adherence to "rules," to form without regard for social effect. The charge of being "irregular" frightens the police at least as much as the charge of being ineffective.

Most police hold a rather simplistic view of government and "proper behavior" in the face of law. Protest, to say nothing of violent expressions of dissatisfaction, they construe not as dissent but as rationalizations for a deliberate criminal act. There is a fierce sense of ego in the average policeman, a romantic view of himself as a last bastion of morality and decency in an increasingly hostile and vulgar world. That being so, he derives real satisfactions from meticulously observing rules and procedures. Of course, good results are said to follow compliance with form, but the form itself is imperative lest any result be tainted by the deviation. Hence, the mechanical issuance of parking tickets during a blizzard and similar apparently ludicrous activities.

Herein lies the real tragedy. For many reasons the police are the authors of their own misfortune. Often, their actions (or inactions) do produce the malaise which creates (or is rationalized as the basis for) community tension. And through it all the police plunge onward, unaware that they are missing the mark, and insisting that they are performing their duty *in the proper manner*. They seem totally unaware that the manner is what causes the problem, and that others have perceived that "proper form" does not automatically produce desired results. More and more citizens are becoming aware that having large numbers of police "in the streets" does not solve problems: that the answer lies in *what they are doing* in the streets.

At the same time that the police are unable to see their own failings, they are vividly aware that procedural

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routine in other agencies of government has not produced socially desirable effects. They also recognize that these failures make the police job more difficult. One often hears, for example, police criticism of garbage collection, with the added comment that ineffective garbage removal makes the policing of a difficult neighborhood still more trying. The specific reason for the pile up of trash may be the sanitation department's refusal to handle "unsatisfactory containers," a stand that is "procedurally" correct but does not keep the streets clean. The police will roundly condemn such insistence on rules.

From this and comparable examples, an observer must unhappily reach the conclusion that much of government is entangled in procedural webs and spends fantastic amounts of time and resources servicing forms rather than achieving results. The goal of police service is peace and order, not bureaucratic game playing. The purpose of a fire department is to prevent and extinguish fires, not to maintain hospital-clean engine houses. The aim of a sanitation department is cleanliness, not the imposition of militarylike regularity on the size and shape of garbage cans. The function of an educational system is to educate, not to perfect the working conditions of teachers. And so on and on—the innocent citizen who wishes only that the services of government would be performed with minimal fuss and delay pales at the obstacles thrown in the path.

But it happens that a good share of the fault can be laid at the doorstep of the citizen, who has not usually bestirred himself about such matters unless and until the tax cost became unbearable, or he himself had a specific interest. Every concerned city official can describe the "average citizen" who complains bitterly about inadequate service, demands service regardless of cost, and then cries to heaven when his taxes are increased to pay for the new services. And this same citizen is one who often will not go out of his way to help get the job done. One must remember that it is not usually the parks department that litters the playgrounds.

One need not be indulgently pessimistic to foresee that the result of this ever-increasing gap between expectation and realization will be more and more a sociopolitical strain on our cities. The question is, "what can be done about it"; and the obvious answer is that "*they* must do something about it." But the "they" is always the same group—the great anonymous mass of public employees who supposedly can reverse this deterioration by becoming interested in their jobs. Unhappily that group is often composed of people who are quite inured to the situation and who have long since adopted an occupational perspective that fails to see any problem. Even worse—with particular regard to the police and other uniformed or hierarchical services—the leadership for these groups will be drawn from the ranks.

This is the greatest problem, in my opinion. The public employee group, especially police, seem to respond best to their own internal leaders, and that leadership is almost always drawn from the ranks by some method that includes seniority as a major criterion. It is a sad commentary that seniority often implies that the leader has "outlived the competition." Sadder yet, his outlook will assume acceptance of old practices of the past, since it was "mastery" of those practices which brought him to his present position.

I believe that one of the things we must do, particularly with the police, is install some mechanism for quickly spotting young entrants into the service who have true leadership and executive potential, test them in a planned program of progressively more responsible and challenging assignments (challenging their mettle, as it were), and create a program whereby the successful candidates are deliberately advanced over contemporaries who lack such attributes. What, then, is to be done with the rest of the police group, the noncandidates? There are many ways to reward their service—differential pay grades, a complete revision of the benefits scale, etc. There are perils and obstacles, but they are not insurmountable. The biggest problem today is to get the idea started, overcoming the inertia of existing groups that have an interest in retaining the personnel *status quo*. These include civil service agencies, employee organizations; indeed, the police career group themselves.

The leadership candidates are today entering every calling and vocation *except* the police. One of the principal reasons for rejecting that career is their unwillingness to be caught in the grind of seniority, longevity, tortuous rank climbing that the hierarchy implies. A shift from tenure to internship would generate new career interest in a group that is desperately needed in law enforcement. We have nothing to lose by the "experiment," which can be controlled to prevent neophytes from disrupting recognized effective procedures.

Many continental police systems encourage "lateral entry" into the force, finding it quite effective. It exists in this country in the training of military officers. Perhaps some funds made available by the Crime Act of 1968 can be directed toward testing the innovation.

LETTERS *(Continued from page 482)*

such as your editorial on the incredible Mr. Garrison of New Orleans, and the excellent analysis "Democracy and the Curriculum" by Carl Cohen. I have brought this article to the attention of my colleagues and students, because it is so free from bias and so full of hard thinking and useful distinctions which should help those engaged seriously with the problems he discusses.

Milton Hindus, Brandeis University

politics of pot

Corinth, Vt.

DEAR SIRS: In your editorial about a recent marijuana conviction in Florida ["Crackdown," Mar. 10] you do not mention what is by far the most ominous aspect of marijuana arrests: their use for political intimidation. Marijuana use is so common these days that there are probably many millions of people liable to arrest on these grounds. We know that many otherwise well-behaved affluent squares smoke marijuana, yet they rarely show up in court. . . . By and large, people are not arrested for marijuana offenses: that is the excuse given for harassing people who are troublesome in other ways. . . . *Virginia Barlow*

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BOOKS & THE ARTS

Crimes and Criminality

THE CRIME OF PUNISHMENT. *By Karl Menninger, M.D. Viking Press. 305 pp. $8.95.*

THE LIMITS OF THE CRIMINAL SANCTION. *By Herbert L. Packer. Stanford University Press. 385 pp. $8.95.*

CHRISTOPHER D. STONE
Mr. Stone is associate professor of law at the University of Southern California.

Our politicians have so long been setting up a brouhaha about "crime in the streets," and the whole clamor is so easily drawn into the din of racism, that we ought not to become deadened to the fact that one serious crime problem *is* developing—one having to do with the public's perceptions.

For whether or not, when all the statistical haggling is done, crime is becoming more frequent, urban, violent and irrational, the country is playing it up as such, provoking itself into further edginess.

The fears produced are linked with the white exodus from our cities. We are politicizing our police forces and arming them with Buck Rogers-type gadgetry, a development particularly ominous to those who have supposed that, in the long run, the inefficiencies of police forces may prove a firmer basis for our liberties than the Bill of Rights. Our new Attorney General Mitchell has made a suggestion, as yet left unclear, that a part of the burden of crime control be turned over to "volunteers" and "the private sector." The President himself has hinted at instituting "preventive detention." And it may be that the more apprehensive the public gets about crime, the more enticing will criminal provocations become.

Thus one of the first tasks of any book about "the crime problem" should be to invite a more heightened and empathic awareness of what criminal behavior and our responses to it involve. To do so, one might risk appearing too casual about matters like knifings, that are nothing to be casual about. But one ought not to be insensitive, either, to the suggestion that all societies actually need some measure of criminality and chaos.

In no other way can we really explain the fact that we have always managed to turn out a display of murderers, dramatists, cutpurses, madmen and some species of hippie. Having produced them, we must both contain them and contain the angers we tap in containing them. Their free range works at odds with strong cultural forces that must ultimately prevail. But the process of producing and consuming those "responsible" for the disorders engages the society in a sort of continuous self-diagnosis and repair, pointing up weaknesses to be healed and fiber to be developed. Besides, there is involved a dimly visible economy of tolerance and persecution, in which loves and hatreds must be managed, traded and stored.

The costs of crime do, indeed, sound high for all this. The human toll is undeniably dreadful, as must be the monetary cost. But the sum of over $30 billion annually that is being bruited about is a peculiar figure having to do largely with transfers of wealth achieved in ways the society condemns as criminal (as opposed, say, to transfers of wealth occasioned through a hike in auto prices). Stolen jewelry and stolen televisions do not up and vanish from the economy. What comes about is a tacit understanding that there are costs of crime more to be confided to the bosoms of the insurance companies than of the clergy. Moreover, however the "costs" are calculated, we seemingly have become able to spread and absorb the larger costs of wars, floods and highway carnage, which hint at only similar or lesser benefits.

Considering Karl Menninger's background in psychiatry, we might have hoped that *The Crime of Punishment* would guide us to a systematic and sober accounting of the deeper gains and losses of the ways in which we handle criminality. The book does touch on some of the hidden factors at play. But in many ways it is a disappointment.

The hope that Menninger can confront our legal processes with psychiatric theory is rewarded by a sustained reexamination only in the area of the insanity defense. There he stresses that the mental states of which the criminal law speaks have not been checked against psychiatric theory for so long that the possibility of psychiatrists making valuable contributions in court has come into doubt. He puts his weight behind the growing movement whereby psychiatrists simply refuse to testify so long as they are faced with the prospects of either making the bogus noises the law wants to hear, or else being torn apart on cross-examination for "ignorance." Menninger's call for a general strike may gain support in the wake of the Sirhan Sirhan trial—as a reaction to the atmosphere of public carnival that accompanied that peculiar marriage of law and psychiatry, as well as to the professional compromises that were so clearly being made.

> I suspect that all the crimes committed by all the jailed criminals do not equal in total social damage that of the crimes committed against them.
>
> —Dr. Karl Menninger
> *The Crime of Punishment*

But there is something else to be regretted about the insanity defense. Too much of what psychiatry could offer law has been drawn into disproportionate focus on one small patch of concern. Not merely that fragment but the entire legal system is uneasily buttressed upon "states of mind"—recklessness, malice, willfulness, specific intent—terms that are good enough for everyday discourse, but that suggest a science at its more groping stages.

We need psychiatry to add consideration to the social and individual processes that are made and masked by our legal system from "states of mind" to the concepts of harm, of responsibility, of the practice of calling upon one man to judge another.

Menninger's failure to push more systematically into these other areas is disappointing, for he is certainly among those who feel that one of the prime tasks of psychiatry is to undertake just the sort of review of our institutions that aims at bringing into life—through law—a deeper understanding and decency. But he is apparently humbled—overwhelmed, really—by the recognition of what is involved.

In the criminal law the job is not only to replace our primitive and tired fundamental concepts by designing a theoretical justification for punishment. No less formidably, the lack of theoretical design has carried over to leave us aimless or at odds with ourselves on every level of the implementation of the law,

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from our slowly shifting designation of "crimes" to our handling of arrests, our training and abusing of police, our trials, court administration, prisons and post-release procedures. What is more, each of these practices is manacled in its own historical shackles, with its own peculiar imperviousness to public inspection, and with its own peculiar guardians (each with their own peculiar inertias).

In the face of the enormous task of connecting all these diverse materials, Dr. Menninger too often chooses just to ride *over* them on the strong swells of his indignation.

Menninger is indignant at the onset that we should label certain behavior (of which, he does well to remind us, we are all quite capable) as "criminal." He then proceeds, however, to look at our entire system of criminal justice, which is bad, and label *it* "criminal," which does little to advance our improving it, but unfortunately sets the tone for the whole book as the title indicates.

He laments the unresponsiveness of the law to change, the apparent apathy of the public, the indignities of police station inquisitions. These are only several marks of Dr. Menninger's humanism which runs throughout. But the way one searches out his ideas is to track a path through myriad clippings from the Kansas City *Star*, personal anecdotes, reports of what has just come over the radio, and sudden quotations that one often feels are partly gestures to the various eminent friends Menninger has made throughout his long career. These items are fenced apart from one another with thickets of question marks and exclamation points, maudlin direction signs ("Read this and weep!": "Mark these fateful words!") and stacks of little italicized fragments that are alternately plaintive and pulpit thumping, but seldom very adequate as bridges.

In fact, in the final analysis what Dr. Menninger has made for us is not so much a book as a sermon—and, as with any sermon, it goes more to remind us of our many sins than to show, in any satisfactory detail, the way.

Herbert L. Packer's problems are of a different sort. To begin with, he has not lost patience and the hope that something good will come of careful reasoned analysis. His is a quieter book than Menninger's, and heavier, but one senses that it is no less moved by the moral dilemmas. But in Professor Packer (who teaches law at Stanford), the moral distress is translated into the painstakingness of a monk, and a concern not to demean the task by moving on the surface of things. The effect is to mark the book with a fundamental honesty and openness. For all these virtues, it is re-

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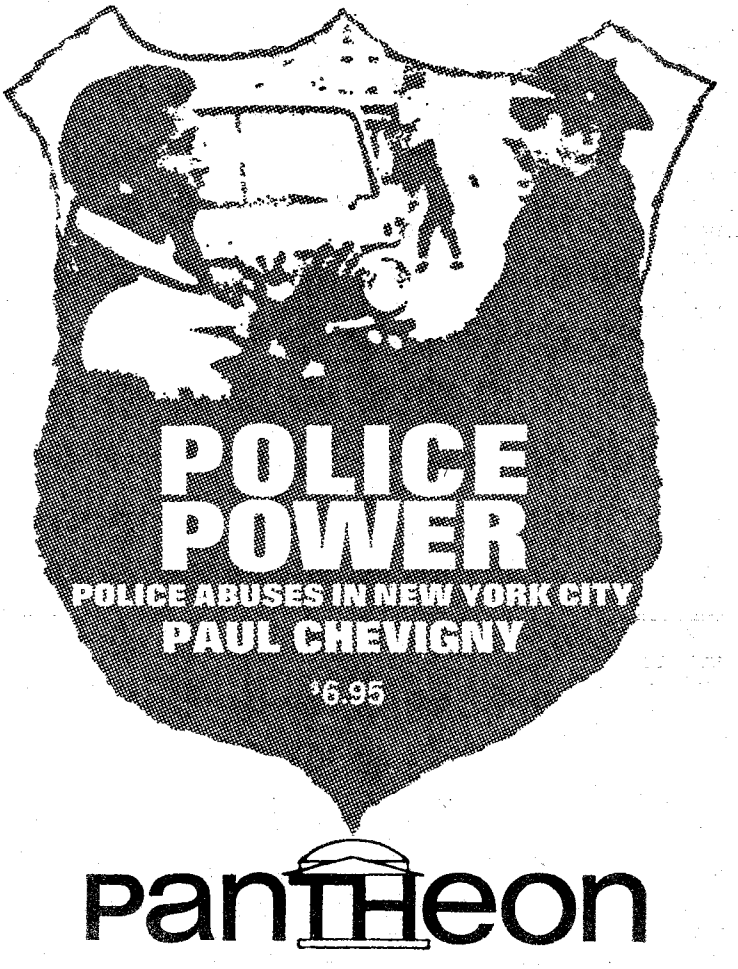
"A book that one can scarcely put down, once started, is Paul Chevigny's, recently published, reporting the findings of a Police Practices Project 'to study police abuses, particularly police brutality, in New York City during the years 1966 and 1967, and to try to find remedies.' Rarely has a report struck me as so deeply soul searching, so haunting, as this."***

**Book Week*
***The Kirkus Reviews*
****DOROTHY KENYON, Chelsea Clinton News*



PANTHEON

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markable how little of his book, when all is done, actually comes to grips with the fundamental awarenesses that are called for.

Packer signals one basic shortcoming of his book in the introduction, where he observes that "Some people argue that we ought never subject lawbreakers to criminal punishment. . . . Others argue that any act treated by the law of God or Man as immoral may be properly subject to the criminal sanction. I think both are wrong. . . . Both errors need to be combatted." Packer does, as he says, undertake to combat "both errors," but in what halls are such extreme and unsubtle views seriously held today?

This is not an isolated instance. If a single word could be said to dominate Packer's work, it would be "tension." He is forever referring to the tensions between this "model" and that, between deterrence and retribution, between compensation and punishment, between the due process model of criminal procedure (which has as its aim minimizing unfairness and error) and the crime-control model (which has as its aim the reduction of crime). But that is what one must be wary of in the building of intellectual models. Tensions may appear, but not by fault of the universe outside our minds so much as because the models, which are but constructs of our own creation, were simply too gross to begin with. It is then, of course, no trick to demonstrate the need to make the "reconciliations" of the "dilemmas" Packer is so concerned with; but they are often reconciliations which never would have been demanded by a more straight-forward assault on the real problems.

Then, too, Packer, for all the patience that marks his book generally, abandons it at regrettable moments. His treatment of "The Question of Alternatives," which is rich in suggestions that should be basic to his study, is less than 10 pages.

There he puts forward, for example, some perfectly plausible suggestions about compensating crime victims in a way ordinarily associated with tort and contract actions. If A runs into B's car on the highway, we are ordinarily satisfied to put the courts at B's disposal only so far as is necessary to get A to make him whole in money damages, trusting to rebukeful toots and frowns for any extra measure of deterrence that may be needed to keep A in his lane in the future. In like vein, we do not invoke criminal sanctions against A for breaking his promise to deliver the car to B, even though we regard the breaking of promises as immoral, and the widespread breaking of commercial promises is undoubtedly a social cost. It is not self-evident, then, why when A takes B's car without permission, we need make it a "crime" by insisting that A be "treated" and/or punished rather than (or over and above) his having to make B whole for any damages suffered.

Why should we not extend compensation into at least some areas now covered by crime? Packer too quickly drops the idea because "we have no reason to think that it would have anything but the most oblique and marginal effect," since "our primary objective" would be to afford compensation, rather than discourage conduct.

This is hardly satisfying as a rejection, but it is much like Packer's response to the possibility of supplanting some criminal systems of control with preventive-type regulatory schemes, such as the registration and testing we demand of our car drivers and meat packers, though not of our gunmen. "Unfortunately," he remarks, in putting aside such reforms in the area of drunken driving control, "we have no assurance that license suspension or revocation would be an effective sanction." True. But our present reliance on civil and criminal remedies is obviously not a wholly effective sanction either. In the absence of more, Packer seems to be asking that we take his pessimism on faith.

But all this fails to fix on the most important problems, anyway. Indeed, Packer almost guarantees such a misfocus by his introductory promise to look at the criminal law as would "a rational lawmaker—a man who stops, looks and listens before he legislates." By so spiriting the enterprise, Packer is landed, for example, in the position of labeling incest "an imaginary crime"—meaning that statutory rape could cover it—and therefore it is superfluous (brushing aside the function of the law to make dramatic presentation of our totems and taboos).

Now, what is valuable in Menninger is precisely that he would never find himself beating about, as Packer proposes, for "rational arguments that rational men can respond to rationally." Menninger may not know what to make of the irrational and the arational (who does?) but he respects them, and has no illusions about the likelihood of tidying up the corners of the criminal law with the society's ever altering vision of "reason." Thus, Menninger can suggest that, whether it be "reasonable" or not, we want criminals as people who are willing to do the things we cannot allow ourselves to do; he sees in the institutions of punishment (not in spite of but because of their medievalisms) an arena in which we can recognize and cope with our unconscious yearnings by watching them safely acted out and contained in those on whom we displace our guilts.

What is indicated is that our response to criminality is at once marked by and goes into making our attitudes toward ourselves. As a result, the possibility of

THE POLICEMAN AND THE DRUNK

If it is snowing, it is to cover him in white.

He belongs to someone else tonight. He walks
his beat like a cat or a stranger in his own town.
He never understood the weather, coming down
on him for no reason; or his wife who sleeps alone.

Everyone's light goes out. There is no one
to be seen, at least not in great detail.
He knows he would walk all night
across the city to find a friend.

He turns the man over with his club.
Bored, but certain as a wife, he rubs
the stubble on the cheek as if it were
his own face waking in the afternoon.

He looks closer. Has he grown older, now?
The grey buildings press on him. Cold and shapeless,
he lets his arms fall, his body bend down
toward the man. He wants to be cared for.

He would kiss him, he thinks, if he were not a man.
The drunk stirs, stares up, and wonders
if this is not his wife, or death, kneeling over,
as always frowning, uttering strange cooing sounds.

STEVEN ORLEN

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gradual increases in our own capacities for joy is linked with our tolerances to witness greater freedom and disorder in others. Both the capacities and the tolerances have to be worked out by our readying ourselves to withdraw from the area of crimes such things as consensual sexual acts and marijuana. As Freud early intimated, if we can establish some harmony with the conditions of life—the way in which we perceive our need to balance production, labor and leisure—the strictures the culture presently imposes on the fullest experiencing of the body can be relaxed, and we may yet be able to draw on our acceptance of the abnormal and irrational as a positive source for growth through constructive regression. The contribution of the criminal law in this should be to strike a better and better balance between the management of our own violences and the containing of what is "really"—at different stages of possibility—objectionable behavior.

Finally, if we can bring under control our perceptions of and responses to behavior for which tangible individuals can be blamed, we may be able to move successfully into the areas where far greater anti-social costs are being wrought or threatened: areas in which our present concepts of responsibility do not readily pin down an identifiable actor, and where we vaguely attribute the ills to corporations, or bureaus, or feel that they "just happen." Drugs that do no good, or kill; the pollution of the atmosphere; the destruction of genetic material; the preparation of minds and machines for large-scale violence—why are newspaper stories about these phenomena crowded from the imagination by stories about the Boston Strangler?

To explain this strange blindness to the larger menaces, it does not seem adequate to cite either the ready neo-Marxist responses about domination of the press and so forth, or the criminal law's historical preoccupation with states of mind (which corporations traditionally did not have).

Here, too, part of the answer must lie in the literature which suggests that there is something *sexier* about crimes involving aggression by tangible individuals, even when they are not, strictly speaking, crimes of sex.

If so, we have new depths of sensing and reflecting to do, each of us as individuals as well as collectively, before we can take a "sensible" appraisal of crime and criminality. We must be grateful to Dr. Menninger and Professor Packer for suggesting, each in his own way, some of the deep-flowing forces that we are going to have to confront, with understanding as well as threat, stage by stage.

The Trouble With Muckraking

THE TROUBLE WITH LAWYERS. *By Murray Teigh Bloom. Simon & Schuster. 351 pp. $6.50.*

FRANK DONNER
Mr. Donner is a New York attorney who specializes in constitutional law and civil liberties cases. He is the author of The Un-Americans *(Ballantine).*

Mr. Bloom's book is a collection of horror stories about what's wrong with lawyers. We meet the deviant practitioners who appropriate their clients' money, the lazy and incompetent lawyer, the politically appointed "special guardians," the lawyers who collect bad debts and buy in the debtor's property at sheriffs' sales, the big-time personal injury lawyers who rely on ambulance chasers and connive with insurance adjusters, the lawyers who pluck domestic relations cases for exorbitant fees, the probate leeches. There is a scattered account of the unavailability or ineffectiveness of mechanisms for protecting clients against thieving or incompetent lawyers: client indemnity funds (provided for in twenty-seven states), malpractice insurance and personal indemnity bonds.

The author's most deadly shafts are directed at the organized bar's failure to police its unprofessional and deviant members, the abdication of its independence in the face of judicial corruption, and its attempt to monopolize employment opportunities at the expense of realtors, title companies, notaries and self-representation.

The root problems confronting the legal profession include the need to socialize the risks of personal injury and property damage resulting from automobile accidents, to remove routine matrimonial cases from an adversary context, to establish a separate fee scale for small transactions or routine controversies that can be handled in quantity, and to provide adequate legal services for the disadvantaged and oppressed. The author's treatment of the bar's obstructive response to these problems is deplorably shallow.

The problems of deviance, unethical conduct and sharp practice raise institutional and cultural questions which haunt

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our entire society. Lawyers are scapegoats for the guilt of a profit-motivated, conflict-oriented society. We subsidize the lawyer's aggressions and his rule-bending skills—sharpened in an adversary legal system—to coerce a result demanded by economic or emotional self-interest. But the corruption of the lawyer cannot be isolated from the corrupt relationships out of which a legal controversy is born, processed and resolved. And, if lawyers do overreach by making themselves their clients' partners, the client can rarely complain, not merely because in order to increase his recovery he hires a lawyer to overreach his adversary but also because in every field of practice where there are institutionalized abuses (personal injury, domestic relations, the administration of decedents' estates) the client characteristically encourages, collaborates or acquiesces in chicanery, blackmail and overreaching.

Mr. Bloom's book is more notable for its unintended revelations about the trouble with contemporary muckraking as a genre than for its treatment of a claimed social evil. An important channel of social protest (and, in the view of some students, of democratic political change) has degenerated into a formula for producing a best seller. The formula requires a "good subject," an evil which is national in scope but which is treated colorfully and in isolation from its social causes. The target must not only be highly visible but confined in number to a few "bad apples." As Dr. Lawrence K. Frank noted (in *The Society As Patient*) more than three decades ago:

> This assumption of individual depravity or perversity gives a comfortable feeling that all is well socially but that certain individuals are outrageously violating the laws and customs that all decent people uphold. . . . In every department and aspect of our social life we find that same pattern of thought about our society: that our social ills come from individual misconduct that must be corrected and punished so that these supposed underlying social forces and social laws can operate without hindrance, thereby solving our social problems. . . .
>
> We see then, that continued faith in the myths regarding an underlying social system come from a need to cling to something that offers some sense and meaning in the social confusion and keeps alive the hope that things may be better. Cynicism is, of course, the refuge of the majority of successful men, especially professional men, who shrug their shoulders, acknowledge the decay of their professional scruples, but go on "getting theirs." There is, apparently, no profession or occupation that has not succumbed to the current practice of racketeering, which means that the traditional ethics and sense of responsibility are breaking down, leaving each one to pursue his own personal ends.

The formula assumes the reader to be an innocent, unwary victim set upon in paradise by a serpent. It promises the reader that he will be "shocked," "scorched," "terrified" by "revealing," "explosive," "sensational" disclosures which "blow the lid off," etc. The blurbs and advertisements for Bloom's book are all in that vein. Faithful to the formula, his book begins:

> My main purpose is to show how the American middle class is victimized by the American legal profession. . . . [It] has become the number one victim and target because it has money and property and lacks, generally, group power in state legislatures.

He dismisses the legal problems of minorities and the poor as already solved, thus by-passing the abuses of criminal lawyers who prey upon these groups. And as for the rich, they have captive salaried corporate lawyers who handle their personal matters without fee. That leaves "you and me," the left-outs, who stand naked to the legal vultures. Since the "middle class" is nowhere defined and much of the material is based on the experiences of the poor and the rich, the "middle-class" thesis seems to have been embraced because it invites as wide a readership as possible to identify with the subject. (The poor don't buy books.) And it is the same need to tailor his treatment to his market that leads Bloom to force it into a "consumerist" mold. Lawyers are bad because they rob and overcharge the middle class ("you, the reader"). The shoe that was dropped on the first page is echoed in the fall of its mate on the last page. "We need our lawyers. . . . But we need them on fairer terms." What could be simpler? If we curb the greed of lawyers, we can cure a social evil and save money at the same time. The fact that the legal professional reflects and acts out the values of the middle class, that the middle class is both the object and the subject of the book, is either suppressed or ignored.

We have traveled a long way from the Lincoln Steffens who wrote (in *Shame of the Cities*) that "the corruption that shocks us in public affairs we practice in our private concerns . . . it's all a moral weakness. The spirit of graft and lawlessness is the American spirit."

Since the current formula sacrifices analysis and organization to anecdote and the rhetorical flogging of the "bad apples," oversimplification is inevitable. Bloom pushes the formula so hard that his book—considered as a plea for change—is counterproductive. His talent for excess ultimately stirs mistrust in his readers and diverts attention from the real "trouble with lawyers." There are too many irrelevant anecdotes, too many acrobatic extrapolations which distort the income of lawyers, too much huffing and puffing about trivia, too much digressive self-preening and too much troweling of "human interest" and color. (Dr. Corinne L. Gilb is described as an "attractive, dark-haired" researcher. Would her insights be less welcome if she were unattractive and blonde?)

The formula's pandering to a mass market plays havoc with the exposé's internal economy and results in distortions in scale—here almost comical. No less than four chapters (almost 100 pages, more than a quarter of the whole) are devoted to the exotic "special guardian" abuse, but only 31 pages to the varied abuses of personal injury litigation. There are two chapters (25 pages) on foreclosure chicanery—hardly a major problem—and an unenlightening 18-page chapter on the vastly more important field of domestic relations.

The heart of the muckraking formula is the proposed cure, the last chapter which tucks in all the odds and ends left over from the book's inevitably haphazard structure and outlines "what we can do." This "positive program"

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SPRING, 1969

The sky
is as blue
as policemen's helmets.

EVE MERRIAM

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helps sales—the handy, instant guide to consumer protection—and is as obligatory in an exposé as are fourteen lines in a sonnet.

But these potted wrap-ups are characteristically soggy, leaving the reader bewildered and cheated in the wake of the author's angry text. This letdown is, of course, inevitable: since the formula banishes a consideration of causes, it excludes meaningful cures.

The therapies required by the formula are of the bootstrap variety ("we must refuse to cooperate with the blind forces leading us to destruction") or "there ought to be a law" or an investigation or more exposés like the author's. Bloom's offerings in his what-we-can-do are of a piece with these tired models: more digging by the press, public identification of patronage appointees, periodic surveys of the bar by state government commissions.

Muckraking flourishes in the topical climate of the magazine but tends to be withered by the commercialism of book publishing. What is useful and informative in a periodical is converted into yet another device for mythologizing the *status quo*. Exposés emerge in hard covers as tracts, full of the manipulative ploys perfected by Madison Avenue to channel fear into consumption and of synthetic uplift, *Reader's Digest* style.

For the huckstering best-seller formula which now produces and promotes muckraking for the mass market frequently, in its own sphere, exemplifies the thing criticized and has itself become a good subject for muckraking. More seriously, I wonder how long this ritualistic scenario of a healthy, intact society in conflict with a handful of deviants can continue to delude readers, saturated by the imagination of our time with the awareness of both societal decay and their own complicity and guilt.

The trouble with muckraking is that for so many of us nowadays the medium is no longer the message.

Scholarly Cop Watching

BEHIND THE SHIELD: The Police in Urban Society. *By Arthur Niederhoffer. Doubleday & Co. 253 pp. $5.95.*

VARIETIES OF POLICE BEHAVIOR: The Management of Law and Order in Eight Communities. *By James Q. Wilson. Harvard University Press. 309 pp. $6.50.*

MINORITIES AND THE POLICE: Confrontation in America. *By David H. Bayley and Harold Mendelsohn. The Free Press. 209 pp. $6.95.*

POLICE POWER: Police Abuses in New York City. *By Paul Chevigny. Pantheon Books. 298 pp. $6.95.*

ELMER BENDINER
Mr. Bendiner, writer and editor, is the author of The Bowery Man *(Thomas Nelson).*

It is so easy to loathe the cop.

The enlightened liberal deplores his "excesses" and regards him as a necessary evil. The politician scorns him as small-time. The storekeeper pays tribute to him in small favors. The youthful radical delights in calling him names. And the ghetto dweller hates him as the soldier of an occupying army.

He seems a prime target but—and this is the salient conclusion of a spate of scholarly cop watchers—he may be, in fact, no more than a decoy. Analyzed in detail the cop, in his ideals, his life style, his adoration of the conventional and his horror of the odd, is a quite accurate reflection of the American majority.

Arthur Niederhoffer, who served on the New York City police force for twenty years before becoming a professor of sociology, writes in his absorbing and authoritative study: "Although the typical policeman has a working-class background, the occupational role requires that he display a middle-class behavior and ideology partly because he is supposed to keep the public conduct as nearly conventional as possible."

And two professors from the University of Denver, David H. Bayley and Harold Mendelsohn note that ". . . what is unfamiliar and unconventional is disturbing to policemen."

The New York rookie on his days off must wear a business suit "with matching coat and trousers" according to the regulations. He must keep his hair trimmed, his sideburns short. His mission is to do the dirty work that a middle-class society shrinks from.

The cop shields the middle class from itself and allows it to live in its dream of decency. Paul Chevigny, attorney for the New York Civil Liberties Union, writes:

"For legislators and judges, the police are a godsend, because all the acts of oppression that must be performed in this society to keep it running smoothly are pushed upon the police. The police get the blame, and the officials stay free of the stigma of approving their high-handed acts. The police have become the repository of all the illiberal impulses in this liberal society; they are under heavy

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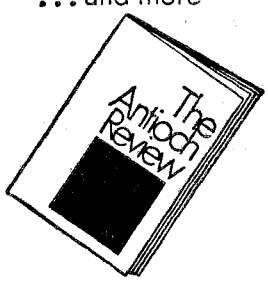

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fire because most of us no longer admit so readily to our illiberal impulses as we once did."

The four books listed here, all scholarly accounts of police forces in various parts of the country, unanimously join in demolishing the gentle myth of the cop as an even-handed enforcer of the law. When Mayor Lindsay allegedly asked cops to temper their enforcement of the law with something approaching common sense, by way of cooling the ghetto rebellions, John Cassese, head of the Patrolmen's Benevolent Association, acted as if the Mayor had assaulted his virtue. He protested that all cops must go on enforcing all laws regardless of any orders to the contrary from their superiors. It was an astonishing statement to come from anyone faintly familiar with the police practice of selective enforcement.

Niederhoffer quotes Dan Dodson, director of the Center for Human Relations and Community Studies at New York University, who once declared: "No policeman enforces all the laws of a community. If he did we would all be in jail before the end of the first day. The laws which are selected for enforcement are those which the power structure of the community wants enforced. The police official's job is dependent upon his having radar-like equipment to sense what is the power structure and what it wants enforced as law."

Niederhoffer also quotes Joseph Lohman, dean of the School of Criminology at the University of California in Berkeley, another ex-cop: "The police function is to support and enforce the interests of the dominant political, social and economic interests of the town, and only incidentally to enforce the law."

This is old hat to old radicals, of course, but not often stated so succinctly by old policemen.

To assail the cops then as if they were some special breed of animal—usually a pig, for some reason—is merely to substitute one myth for another. Instead of the cop as splendid knight we now have him as evil dragon. Both myths serve to becloud the issue and protect Americans from their own image. The devastating complication in the cop is that he is profoundly American, and to spit at him is to spit at the mirror.

Where does this suspicious, insecure, arrogant worshiper of all that is conventional come from? How is this handyman of society, this apotheosis of American morality chosen? Professor Niederhoffer describes the careful selectivity: "The end result of the process of elimination is to accentuate the medium and mediocre at the expense of the independent and exceptional. Working-class background, high-school education or less, average intelligence, cautious personality —these are the typical features of the modern police recruit. Only in his superior physical endowment does he stand above the crowd."

His primary motivation is simple, the scholars point out in these volumes: the slow but steady working-class lad needs a job with security and a suggestion of status. Psychologists have rated him on an "authoritarian index," and even on an F (for Fascist) index. The conclusion is that he was not that sort when he signed up with the force. The ugliness apparently grows on the job like a fungus, and is catching.

In New York City the recruit goes through the Police Academy which is run by a new breed of professional policeman thought by some liberals to be the solution for the corruption and the cynicism of police departments everywhere. Before he has a chance to graduate, however, the rookie patrols with the precinct veteran and is duly wised up as he picks up his petty tribute at the bars on his beat. He learns that no matter what the books say, the patrolman makes the law by choosing where to apply it.

Some of the guidelines are neatly delineated by James Q. Wilson, professor of government at Harvard, who studied the phenomenon in six New York State police departments, one in Illinois and one in California. Consistently Negro and Puerto Rican areas rate lesser law enforcement on the ground that the "standards" are different. If they want to kill themselves off it's quite all right as long as they don't disturb the peace of the whites nearby.

In upper-middle-class towns in New York, such as Brighton or Highland Park, Professor Wilson found the police diligently repressing all signs of vice and gambling. In working-class Amsterdam, however, gambling and bars flourished, presumably because this was the working-class standard. In Newburgh there had not been one arrest for prostitution in eight years when Professor Wilson's team investigated, though they located at least two brothels doing a thriving business and free lancers on duty at many of the city's thirty-three bars. The explanation was that Newburgh is a center for college boys and servicemen who spend their money freely and so keep green the shaded lawns of virtuous townsmen.

If one does not live in the sheltered places, how does one face the cop? Paul Chevigny's book offers a number of practical hints, illustrated by case after case of everyday humdrum unpublicized abuse. For example, when you are outraged by a cop's action, do not under any circumstances ask for his shield number or conspicuously take it down. No seasoned ghetto resident would try it. It is standard routine—almost obligatory on the cop—to arrest you if you do. It's the only way he can counter your complaint. Cops have admitted freely that they have no choice on such occasions but to frame some charge—and they do.

Being a cop's victim is doubly dangerous because if he wallops you over the head, he has to make out a case of self-defense. He has to charge you with assault or resisting arrest, and if you are resisting arrest, obviously you must have been arrested. So, he fabricates a charge. Mr. Chevigny documents this petty framing that is part of the cop's routine.

Mr. Chevigny travels the rocky road of the pure civil libertarian who will have no truck even with truth unless it meets the most rigorous legal standards of unimpeachable proof. For example, he considers only instances of police abuse for which there are disinterested witnesses willing to testify.

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boards with shining cases, all neatly documented, only to see them beaten at the hands of some aging, unimaginative lie. The exceptions, he notes, usually occur when the defendants or the witnesses are properly middle class, with oceans of time and money to spend on these meaningful but miniature crusades for justice to little people. Even then the blatant official lie occasionally makes respectability look like a bum. Forlornly and without much hope Chevigny asks society to transform itself and demand that the cops give up their "private code" of lying for one another to adopt a new concept—"the rule of law."

In Denver Professors Bayley and Mendelsohn approached the problem with surveying teams and questionnaires. They tallied the score on what the antagonists thought of each other: cops on one side and Negroes and the Mexican Americans on the other. They came up with as mournful a verdict as Chevigny's: "Police reform is not a substitute for social reform. Moreover, changes in police behavior may not even be able to produce a great deal of improvement in police-minority relations unless it is coupled with a program of social renovation so penetrating and effective that it shatters the barriers which make majority and minority communities coherent social groups."

Professor Wilson of Harvard is perhaps the most cautious of all the researchers into the cop subculture. In summing up the experiences of his research teams in eight cities and towns he still hedges the phrase, "police harassment," in apologetic quotes. Nonetheless, despite some inconclusive speculations about the nature of crime among Negroes, he, too, sees only frustration on the urban frontier where the cop and the slum dweller face each other. "The effort to manage the unmanageable," he writes, "leads both sides to define the conflict as one between competing rights, moralities and tests of manhood." The cop's *machismo* is also on the line.

Professor Niederhoffer has some hope for "professionalism" in the police force and for college-bred detectives, but he also declares: "As long as the Negroes comprise an alienated ghetto society, the police will symbolize to them all that is detestable in an oppressive white social system." And to explain why the cops strike out at the blacks in vengeance, fear and panic, he quotes James Baldwin: "There are few things under Heaven more unnerving than the silent, accumulating contempt and hatred of a people."

Often these books learnedly document what is painfully obvious. Professor Wilson, in one of his crisp opinionated footnotes, denies the applicability of the "adage that a sociologist is a man who

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needs a $50,000 grant to find a whorehouse." In any case, this crop of scholars have used their grants well—not only to find the whorehouse but to discover that it is in fact the house we live in.

ART

LAWRENCE ALLOWAY

"By choice I identify myself with workingmen and still belong to Local 2054, United Steel Workers of America,"* wrote David Smith in the early forties. "In this society I find little place to identify myself economically." Later in the forties he declared he belonged to "no party—no religion," and could write: "I feel no tradition. I feel great spaces." What had happened was that the workingman with whom an idealistic Communist could identify at the start of the decade was no longer an available model of virtue. In his place Smith proposed, as did other artists of his generation (he was born in 1906), the frontiersman. He regarded himself, if not exactly as a pioneer, at least as the descendant of pioneers. Hence his view that art was "raw stuff" was transferred to a new social landscape. These attachments of Smith's to work and workingmen and then to American frontier style were never formally revoked and they contribute a good deal to his later work.

The reason he gave, aggressively factual, for using iron was that "it is the cheapest metal." Later in his life, however, he was able to note that he had stockpiled 4x8 foot sheets of stainless steel, copper and aluminum, and that is not cheap. His early revolutionary impulses and ideas (present as imagery in his sculptures of those years) declined, to become no more than a residue in his personal style, pleasantly hard-nosed, amiably rough. In fact, Smith began to do his best work when he took his place as a sculptor in an affluent society. By this I don't mean that he found patronage but that he shrewdly benefited from an economy which made it possible for him to stockpile materials, on credit, no doubt, but its availability is the proof of affluence.

David Smith's retrospective at the Solomon R. Guggenheim Museum, arranged and well catalogued by Edward Fry, confirms him as a copious artist. Clearly the taste for work and the expansionist ethic of the frontier came together in Smith's productivity. The important thing is that as his scale increased in the last two decades of his life, his output seems not to have slackened. This does not mean that Smith had a superhuman capacity for work. Rather he worked with materials that could be handled fast (welding is easy and direct as a technique) and he had great reserves of material, so he was never hung-up for want of an I-beam. Thus he was able to give to big iron sculpture an improvisatory ease, an elegance and fluidity that it had never had before. Smith took iron sculpture off its tentative and exploratory basis, in Picasso, Gonzalez and Gargalo, and turned it into a fleet of better made objects.

This does not lessen Smith's industry and ambition, which were certainly remarkable; but if he elaborated more than he discovered, that does suggest an explanation for his speed. Smith's sculpture has two basic formal themes: the vertical *Personnage* and the horizontal or flat table-landscape, derived in the first place from Giacometti. Since the thirties Smith had used the *Personnage* format, which confers totemic, ancestral or erotic intimations on any vertical form with subdivisions or ornaments that relate to the body. It amounted to little more than the geometrics of a basic-design course scattered within a human contour or stance. This weakest of all 20th-century conventions, which compromised both structural logic and the human presence, is the basis of Smith's single verticals, of which there is an army.

It was not until the fifties that Smith made his *Personnages* life size (the earliest in the show are "The Hero," 1951-52 and "Tanktotem III," 1953). These figures confront us in our own space and certainly represent the climax of the *Personnage* story. They are witty and resourceful in the play of formal bits, well made and polished. But in the end, the landscape-table theme delivered the best of Smith's work. Maybe the *Personnage* was collapsing as a usable theme even as Smith lovingly, or was it emptily, polished it? On the main floor of the museum are "Zig IV," 1961, and "Cubi XXVII," 1965, two of his best non-vertical pieces, as well as "Circles" 1, 2 and 3, 1962. What is new about these flat disks is not their relation to painting but the fact that never before had so much steel been used for such a slight purpose: an art of affluence.

A significant feature of the Smith show, from the point of view of the museum, is that, for the first time, the top one and a half rotations of the ramp spiral are in public use. Previously the top of the spiral had been used for storage and conservation, which services are now located in the cramped and fussy slab added to the back of the museum on the 89th Street side. The interior space has always been the main point of the building, not its bulgy exterior, and the gain is immense, not just as additional exhibit space, but in releasing Frank Lloyd Wright's design from expedient interruptions.

The spiral of the museum increases in size as it rises, so that the largest bays, in depth, width and height, are on top, a kind of spatial crown. In the final bays the ramp approaches very close to the dome over the central void and this has the effect of suddenly pinching shut the expanded space. In view of the low caliber of two other changes to the interior of the museum, this completion of Wright's plan is very welcome. Down below, however, the Tannhauser Wing, entered through an arch screwed into a curved wall, is as tawdry in decoration and as mediocre in quality (except for the marvelous early Pissarro) as ever. A couple of years ago, a ceramic mural by Miró and Artigas was set into the first bay as a memorial to the wife of the president of the museum. One can understand the commemorative impulse while deploring the form that it took; as a result, every Guggenheim Museum show on the lower ramps has to have a Miró in it.

*All quotations from *David Smith on David Smith*. Edited by Cleve Gray. Holt, Rinehart & Winston. $22.95.

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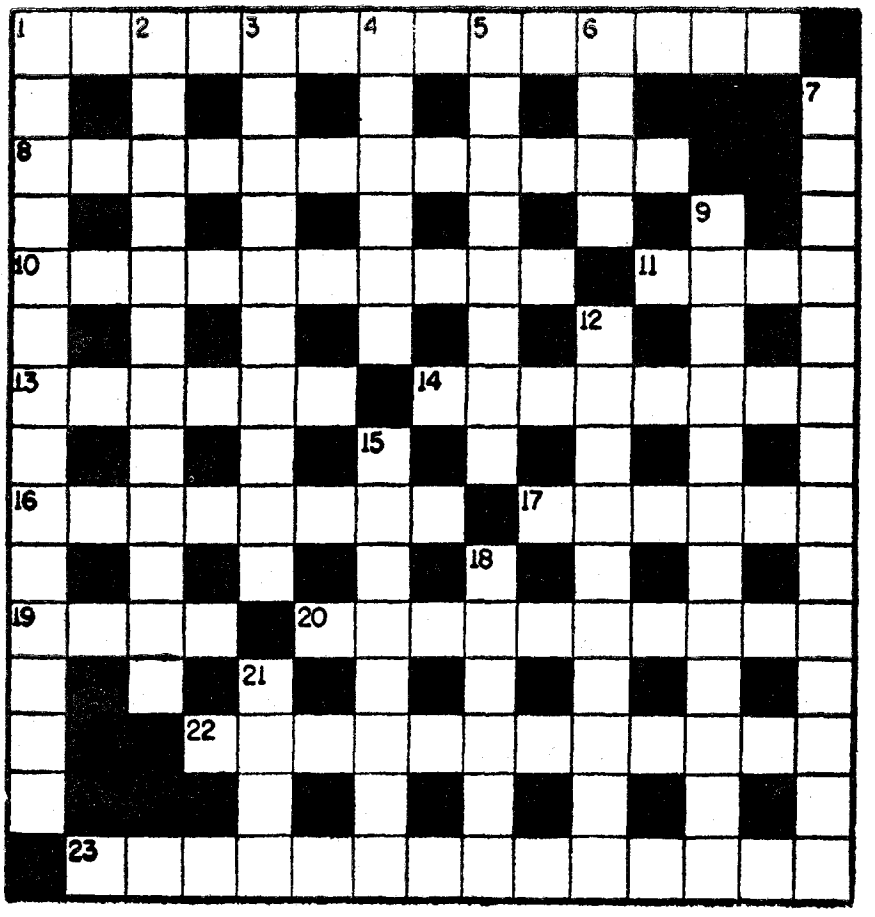

ACROSS

1 After what might take a second, imagines the result being entertainment. (6,8)
8 No other epics might demand more than one speaker so! (12)
10 The rings at this? Order for order! (10)
11 He might prove that America could do without the doctor's lobby. (4)
13 Flag officer—or one who hopes to be? (6)
14 See 4 down
16 Learned to make such a guess? (8)
17 How one might make a new production about Theda Bara, for example? (6)
19 The main part used to be thrown overboard! (4)
20 Watch for this—one notes how long the work is. (10)
22 Was Beethoven's act of crossing out Napoleon's name on "Eroica"? (12)
23 Very quiet, literally, but still could be a very busy place. (8,6)

DOWN

1 Lee, in mysteries, was found on Broadway. (2,6,6)
2 Doesn't the right man justify things so? (2,3,2,5)
3 How the season might begin. (7,3)
4 and 14 across Suit pressers might, to imply a soft drink problem. (3,3,8)
5 Doesn't win as a trophy entrant, as one does to shop in the evening. (6,2)
6 One rule of voting undergoing scrutiny.
7 One might 19, or be 19. (7,7)
9 Where one is expected to come to a competitor's way of thinking, by the sound of it. (7,5)
12 One reputedly not very bright always dined here, as one might certainly say. (10)
15 The sort of bribe associated with mounting rage and serious trouble. (8)
18 We rise to make music about the bee's association, possibly. (6)
21 Gather material about one of the most common articles. (4)

SOLUTION TO PUZZLE NO. 1293

ACROSS: 1 and 13 Sound the retreat; 5 Mastic; 10 Ticks; 12 and 11 Reverse the charge; 14 Trusts; 15 Pasteur; 18 Redwood; 21 Towhee; 24 Machete; 26 Windrow; 27 Sapodilla; 28 Light; 29 Steers; 30 and 19 The Witch of Endor. DOWN: 1 Saturn; 2 Uncovered; 3 Deserts; 6 Achates; 7 Three; 8 Creature; 9 Bear up; 16 Eyebright; 17 Promises; 20 Dwells; 21 Towpath; 22 Winslow; 23 and 4 Switch hitters; 25 Copse.

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The gift of today is the litter of tomorrow.

The waste of today is the need of tomorrow.

The athlete who trains defeat disdains; the idler reaps nought, and is nothing taught.

These are platitudes, aren't they?

Wait.

Good sense ignored is eventually deplored.

WAIT.

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